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**Promotion and protection of human rights:
implementation of human rights instruments**

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to submit to the General Assembly the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting, held at Geneva on 21 and 22 June 2007, pursuant to General Assembly resolution 57/202 of 18 December 2002.

* A/62/150.



Report of the chairpersons of the human rights treaty bodies on their nineteenth meeting

Summary

The General Assembly, in its resolution 57/202, requested the Secretary-General to submit to the Assembly the reports of the persons chairing the human rights treaty bodies on their periodic meetings. The present document contains the report of the nineteenth meeting of chairpersons of human rights treaty bodies, which was convened in Geneva on 21 and 22 June 2007, pursuant to Assembly resolution 49/178 of 23 December 1994. The chairpersons considered follow-up to the recommendations of the eighteenth meeting and reviewed developments relating to the work of the treaty bodies. They also discussed reform of the treaty body system, including harmonization of working methods, and the universal periodic review mechanism of the Human Rights Council. They met with representatives of States parties and with the President of the Human Rights Council. The ninth joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council was also held. The chairpersons adopted recommendations, which are contained in section VI of the present report. The report of the sixth inter-committee meeting of human rights treaty bodies (Geneva, 18-20 June 2007), which was considered by the chairpersons, is annexed to the report.

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I. Introduction

1. The nineteenth meeting of chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 49/178, was held at the Office of the High Commissioner for Human Rights in Geneva, on 21 and 22 June 2007. The meeting was immediately preceded by the sixth inter-committee meeting, held from 18 to 20 June 2007.

II. Organization of the meeting

2. The following chairpersons of human rights treaty bodies attended: the Chairperson of the Committee on Economic, Social and Cultural Rights, Philippe Texier; the Chairperson of the Committee on the Elimination of Racial Discrimination, Régis de Gouttes; the Chairperson of the Committee on the Elimination of Discrimination against Women, Dubravka Simonovic; the Chairperson of the Committee against Torture, Andreas Mavrommatis; the Chairperson of the Human Rights Committee, Rafael Rivas Posada; the Chairperson of the Committee on the Protection of Migrant Workers and Their Families, Prasad Kariyawasam; and the Chairperson of Committee on the Rights of the Child, Yanghee Lee. Vice-Chairperson of the Subcommittee on Prevention of Torture, Victor Rodriguez Rescia, represented the Chairperson of the Subcommittee.

3. The Chairperson of the Committee on Economic, Social and Cultural Rights was affirmed as Chairperson-Rapporteur. The Chairperson of the Committee on the Elimination of Racial Discrimination was affirmed as Vice-Chairperson. The chairpersons adopted the agenda (HRI/MC/2007/1) and the proposed programme of work.

4. The chairpersons voiced their concern at the delay in the processing of documentation for the treaty bodies and requested the Chairperson-Rapporteur to address a letter to the Conference Services Division at the United Nations Office at Geneva on this matter.

5. The Chairman of the Human Rights Committee noted that he supported the reservation expressed by representatives of his Committee with respect to point (iv) of the points of agreement of the sixth inter-committee meeting (see annex, para. 17).

III. Meeting with the President of the Human Rights Council

6. The outgoing President of the Human Rights Council provided an update to the chairpersons on the recent achievements of the Council, including the adoption of resolution 5/1 on institution-building.

7. He referred, *inter alia*, to the universal periodic review mechanism, which would be based on information provided by the State as well as information from various sources, including treaty bodies, to be compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The review would be conducted by a working group, with a troika of rapporteurs preparing a report, and involve interactive dialogue with the State concerned. The outcome of the review would consist in an assessment of the human rights situation in the reviewed State in the form of a report containing recommendations and/or conclusions adopted by the

plenary of the Council and to be implemented by the State concerned, with a possible follow-up mechanism.

8. The chairpersons welcomed the adoption of resolution 5/1 and expressed the view that the future universal periodic review would present opportunities and challenges for the treaty bodies, but that the two systems were complementary and mutually reinforcing, as treaty bodies were exclusively an independent legal mechanism. The chairpersons noted the fact that the work of the treaty bodies would be an element for the review and highlighted the specific importance of concluding observations in that regard. However, as discrepancies between the two mechanisms could be a concern, continuing and effective dialogue with the Council should be established.

IV. Ninth joint meeting of chairpersons of human rights treaty bodies and special procedures mandate holders

9. On 21 June, the chairpersons met with the mandate holders of the special procedures of the Human Rights Council. The meeting was co-chaired by the Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the Chairperson of the Committee on Economic, Social and Cultural Rights.

10. The facilitator of the discussions on the universal periodic review mechanism briefed the meeting on the outcome of the discussions. He noted that the mechanism should be considered a major step forward in the human rights work of the United Nations. It was the main feature that distinguished the Human Rights Council from the former Commission on Human Rights. It was aimed at ending selectivity in the human rights field and at treating all States on an equal footing. There would be no duplication, but complementarity between the review and the work of treaty bodies and special procedures mandate holders.

11. In their discussion of the role of the treaty bodies and special procedures in the context of the universal periodic review, the participants recalled that their participation in the process was not explicitly a formal one. However, in its final agreement on institution-building, the Council stated that the review would, *inter alia*, be based on information contained in the reports of treaty bodies and special procedures and that relevant information would be compiled in a single document not to exceed 10 pages in length. Input into such compilations would require further reflection by the treaty bodies and special procedures. It would be important to prioritize relevant recommendations so as to ensure that the main human rights concerns in countries under consideration were appropriately reflected. It was noted that the preparation of relevant compilations and the identification of priority concerns from a broad range of available information would involve a considerable amount of work and require that OHCHR be adequately strengthened.

12. Participants expressed interest in the follow-up to the universal periodic review. The text agreed upon by the Human Rights Council indicated that the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other stakeholders.

Participants reflected on the role which mandate holders could play in the future with regard to the outcome and follow-up of the mechanism.

13. Special procedures mandate holders and treaty body chairpersons stressed the importance of maintaining their autonomy in their interaction with the universal periodic review. Ways and means to manage conflicts and divergences that might arise with regard to the findings of the special procedures mandate holders and treaty bodies and the conclusions of the review should be considered.

14. It was agreed that interaction with the universal periodic review would pose challenges, but also create opportunities. It was also expected to result in closer cooperation between the treaty bodies and special procedure mandate holders, as the approach to the review mechanism and country-specific input would need to be coordinated frequently.

V. Informal consultations with States parties

15. At the nineteenth meeting of chairpersons on 21 June, informal consultations were held with representatives of States parties; approximately 75 States participated. The chairpersons expressed their appreciation for the meeting with States parties. They briefed the representatives on recent developments in their respective committees and noted a number of innovative approaches towards the harmonization of working methods and the improvement of the treaty body system as a whole. The Committee on the Elimination of Discrimination against Women hoped to be able to continue with an additional third annual session in 2008-2009 and possibly continue its work in parallel chambers. Noting its broad and varied mandate and its growing workload, the Committee against Torture flagged the need for additional meeting time and/or an increase in its membership. The Committee on Economic, Social and Cultural Rights noted that its main problem was the lack of an individual complaints mechanism and referred to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee on the Rights of the Child supported the possible future appointment of a special representative on violence against children. Other specific issues raised included the possible flexible application of reporting periodicity, the approach to reservations and the possibility of issuing joint general comments/recommendations, including a possible joint general comment of the Committee on Migrant Workers and the Committee on the Elimination of Discrimination against Women on female migrant workers.

16. States welcomed the opportunity to engage in consultations with the chairpersons, noted that the informal consultations provided a platform for dialogue and interaction and reiterated their support for the work of the treaty bodies. Several States commended the treaty bodies for their continued engagement in the process of reform and their preparedness to test new approaches, adopt innovative working methods and explore areas for harmonization. Among such measures were the review procedure (consideration of the human rights situation in a country in the absence of a State party report) and follow-up procedures.

17. States agreed that there was room for improvement and supported further harmonization and coordination of the working methods of the treaty bodies, including in the examination of reports and follow-up procedures, which would make the system more comprehensible and accessible. Several States made

reference to point (ii) in the points of agreement of the sixth inter-committee meeting, recommending that the meeting be convened twice annually to, *inter alia*, make recommendations for the improvement and harmonization of the treaty body working methods. The recommendation was generally well received by the States parties present.

18. A number of States reiterated their concern at the proposal for a unified standing treaty body as contained in the report on the proposal of the High Commissioner (HRI/MC/2006/2). They noted that discussions should focus on harmonization of working methods, including the alternative proposals put forward by a number of treaty bodies, and called for an inclusive process of consultation, which would involve all relevant stakeholders, including treaty body members, to discuss all proposals in the context of treaty body reform.

19. States generally supported efforts undertaken by the treaty bodies to streamline their various reporting requirements, including the acceptance by participants in the fifth inter-committee meeting of the revised harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.4). Some States noted with appreciation point (vi) of the points of agreement of the sixth inter-committee meeting, in which meeting participants requested the Secretariat to address a note verbale to all Permanent Missions in Geneva, recommending that the approved guidelines be used by States parties when submitting a report to the treaty bodies. It was noted that the envisaged briefings to States parties on the guidelines would be very helpful.

20. The chairpersons highlighted that the approved guidelines could simplify, target and streamline reporting, given that a range of general questions applicable to all treaty bodies would now be included in the common core document. Some States reported on their own experience in applying the guidelines and drafting a common core document and encouraged other States to do the same. States were generally in favour of the procedure adopted by the Committee against Torture on a trial basis, whereby a State party that replied to lists of issues and questions would be deemed to have fulfilled its periodic reporting obligations. States noted that this procedure could rationalize reporting requirements and encourage more timely reporting and suggested that other treaty bodies should adopt a similar procedure.

21. A large number of States noted that the recently adopted universal periodic review mechanism of the Human Rights Council (see resolution 5/1, annex) constituted a significant positive development in the United Nations human rights framework and that it gave rise to both opportunities and challenges. It was generally agreed that the review should not duplicate other existing mechanisms and that the Council and the treaty body system should complement and mutually reinforce each other. Some States stressed that the review should not be used as a vehicle to follow up treaty body recommendations. Other States indicated that the expertise of the treaty body members could be drawn on in the elaboration of the modalities of the review mechanism.

22. Several States underlined that the input from treaty bodies would be fundamental for the universal periodic review and that their findings and recommendations should serve as a basis for the review. They noted that the question was how to implement that in practical terms. Several noted that the treaty bodies should ensure that their recommendations were as concrete and substantive

as possible and that they touched upon the most pressing issues. One input into the review would be a compilation by OHCHR of a maximum of 10 pages of information contained in the reports of the treaty bodies, special procedures and other United Nations sources. Many States asked questions regarding the possible content of such a compilation, given the limited number of pages. Several States highlighted that they would have liked to see more visibility provided to treaty body recommendations. Given that the review would take into account, among other things, the human rights treaties to which a State is a party, some States referred to a potential significant increase in both ratifications of human rights treaties and submissions of reports to the committees and inquired if the treaty bodies were in a position to deal with such an increase in their workload.

VI. Decisions and recommendations

Adoption of the points of agreement of the inter-committee meeting

23. Participants in the nineteenth meeting of chairpersons endorsed the points of agreement concluded at the sixth inter-committee meeting held from 18 to 20 June 2007. The chairpersons called upon the human rights treaty bodies to follow up on those recommendations and to report on their implementation at the seventh inter-committee meeting in 2008.

Relationship with special procedures mandate holders

24. Participants in the nineteenth meeting of chairpersons recommended that all treaty bodies consider developing modalities for enhanced interaction with the special procedures mandate holders, including with a view to developing effective approaches to the universal periodic review mechanism, in accordance with their respective mandates, and coordinating country-specific inputs to that mechanism.

25. Participants in the nineteenth meeting of chairpersons further recommended that the Secretariat should seek ways and means to facilitate interaction between the treaty bodies and the special procedures, not only during the annual joint meetings but also with respect to strengthening direct interaction, as appropriate, during sessions of the treaty bodies.

Human Rights Council

26. Participants in the nineteenth meeting of chairpersons welcomed the adoption of resolution 5/1 on institution-building of the Human Rights Council, including the universal periodic review mechanism. The chairpersons were of the opinion that the review presented both a number of opportunities and challenges. They underlined the complementary and mutually reinforcing nature of the treaty body system and the future review and emphasized the importance of a continuing dialogue on that matter. They appreciated that the findings and recommendations of treaty bodies would form part of the basis of the review and highlighted the role of the concluding observations in that regard. The chairpersons further recognized the need for developing effective cooperation between the treaty bodies and the Council.

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I. Introduction

1. The sixth inter-committee meeting of the human rights treaty bodies was held at the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva from 18 to 20 June 2007.

2. The following members of human rights treaty bodies attended:

Human Rights Committee

Abdelfattah Amor
José Luis Pérez Sánchez-Cerro

Committee on Economic, Social and Cultural Rights

Philippe Texier (Chairperson)
Waleed Sadi
Rocio Barahona Riera

Committee on the Rights of the Child

Yanghee Lee (Chairperson)
Jean Zermatten
Awich Pollar

Committee on the Elimination of Discrimination against Women

Dubravka Simonovic (Chairperson)
Pramila Patten
Glenda Simms

Committee on the Elimination of Racial Discrimination

Régis de Gouttes (Chairperson)
Linos-Alexander Sicilianos

Committee against Torture

Andreas Mavrommatis (Chairperson)
Guibril Camara
Luis Gallegos Chiriboga

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Prasad Kariyawasam (Chairperson)
Francisco Alba
Azad Taghizadet

Subcommittee on Prevention of Torture

Silvia Casale (Chairperson)
Hans Draminsky-Petersen
Victor Rodriguez Rescia

II. Opening of the meeting, election of officers and adoption of the agenda

3. A Senior Human Rights Officer, on behalf of the High Commissioner for Human Rights, welcomed all chairpersons and members present. In particular, she welcomed the members representing the Subcommittee on Prevention of Torture, established under the Optional Protocol to the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment, which had held its first session in February 2007.

4. The Officer introduced the report on the implementation of the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons (HRI/MC/2007/6), in which the efforts undertaken by the treaty bodies to further streamline their working methods and enhance their effectiveness were discussed. She highlighted the revised harmonized guidelines on reporting, which encourage States to submit information relevant to all treaties to which they are party in a common core document. She also drew attention to recent discussions with regard to the establishment of a mechanism which would coordinate efforts to harmonize the working methods of the treaty bodies and progress achieved in the consideration of the question of reservations, as well as in the validation of agreed indicators to improve the analysis of statistical information presented in the reports of States parties.

5. Philippe Texier was elected Chairperson-Rapporteur and Régis de Gouttes Vice-Chairperson. The participants adopted the agenda (HRI/ICM/2007/1), and the programme of work and welcomed the preparatory work that had been carried out by the Secretariat, including the reports and background documents provided to the meeting.

III. Strengthening the human rights treaty body system: harmonization of working methods and follow-up to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons

6. Since the fifth inter-committee meeting, the treaty bodies had continued to discuss and implement innovative approaches to harmonize working methods aimed at rendering the treaty body system more effective as a whole.

7. The Committee on the Elimination of Racial Discrimination noted that it regularly sought information from States parties on the progress made in the implementation of its recommendations. The Committee had appointed follow-up rapporteurs for that purpose. Country visits, while only conducted on an exceptional basis, could also yield good results if they were organized with the cooperation of the State party concerned. Such a visit had recently been made to Ireland, soon after that State had submitted its initial report. A follow-up rapporteur had also been appointed regarding views on individual communications. The Committee made use of an early warning procedure, in which information received from non-governmental organizations (NGOs) was essential. Fruitful interaction in that regard had been seen in respect of the rights of indigenous peoples. The Committee pointed out that it placed emphasis on good cooperation with specialized agencies and

intended to appoint a focal point for that purpose. Where special procedures were concerned, it had cooperated closely with the independent expert on minority issues. The Committee was faced with a considerable workload as a result of the large number of ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination. In order to facilitate reporting, the Committee invited States parties to follow the new harmonized guidelines on reporting. The Committee applied a review procedure by which it indicated to States whose reports were long overdue that their compliance would be considered in the absence of a report. This had often induced submission of overdue reports. Committee members believed that treaty body recommendations should be the starting point for the Human Rights Council's universal periodic review procedure, as the information gathered by the treaty bodies was of great relevance.

8. The Committee on the Rights of the Child had followed up its concluding observations through a number of country visits at the invitation of the States parties concerned, as well as regional workshops, which brought together key stakeholders. With near universal ratification of the Convention on the Rights of the Child and an increasing number of ratifications of its two optional protocols, the Committee was faced with a growing workload and had been the first treaty body to consider reports in parallel chambers. It had now also started to apply a technical review procedure, by which the Committee offered most States parties to the Optional Protocol on the involvement of children in armed conflict the opportunity of review of compliance without the presence of a delegation. Committee members emphasized the need for the treaty bodies to take into account and cross-refer to each others' recommendations, where appropriate, in order to ensure a holistic and consistent approach to human rights issues. Similarly, the Committee looked forward to establishing a strong and cooperative relationship with the Human Rights Council.

9. Members of the Committee against Torture pointed out that the Committee, with the support of the Secretariat, would continue its efforts to streamline and simplify procedures. Harmonization efforts should not require agreement on the lowest common denominator. At its thirty-eighth session, in May 2007, the Committee had decided, on a trial basis, and in order to encourage more targeted reports, to deem States parties that had replied to lists of issues and questions as having fulfilled their next reporting obligation. It was expected that that procedure, which would be available to States whose periodic reports were due in 2009, would help address non-reporting and the Committee's growing workload. The procedure would not be applied in the cases of initial reports or of countries that had already submitted reports that were pending consideration. The Committee believed that it would be important for the treaty bodies to have a dialogue with the Human Rights Council and contribute to its work, while maintaining their independence and integrity.

10. Members of the Committee on Economic, Social and Cultural Rights felt that it was important to consider how to increase the time available for dialogue with States and how to shorten the periodicity of reports, which was currently five years. The Committee considered regional workshops to be a useful tool for follow-up and that country visits, in some instances, might be useful to clear up misunderstandings. Committee members strongly felt that a complaints procedure would render the Committee more effective. On the question of working methods, Committee members explained that they could not foresee that, in the case of their Committee, the replies of States parties to lists of issues could substitute a report.

Because of the broad range of rights it covered, the Committee could only formulate meaningful lists of issues on the basis of reports received from States parties. The Committee emphasized the special importance of the contribution of NGOs in its work, including national ones. The Committee believed that the treaty bodies could contribute to the work of the Human Rights Council and that their concluding observations should be fully taken into account in the universal periodic review process.

11. The Committee on the Elimination of Discrimination against Women reported that it had benefited from an additional, third annual session in both 2006 and 2007, and hoped that this would continue in 2008 and 2009. The Committee had also had a good experience with working in parallel chambers and considered that, given the large number of States parties to the Convention and its Optional Protocol, it would be necessary to continue work in parallel chambers on a permanent basis. The Committee had invited a number of States parties whose reports were long overdue to submit their initial reports, failing which it had indicated that their compliance would be considered in the absence of a report. The Committee had recommended that States parties follow the guidelines for the common core document and had started to revise its own reporting guidelines in the light of those guidelines. A follow-up procedure existed for communications and the Committee was also considering systematic follow-up procedures for reporting. The responsibility for substantive and technical servicing of the Committee would be transferred to OHCHR in 2008, which should allow it to develop a productive relationship with the Human Rights Council. The Committee emphasized the need to maintain its relationship with the Commission on the Status of Women and establish close ties with any new gender unit to be established in New York.

12. The Human Rights Committee considered that there should be a greater degree of flexibility with regard to the periodicity of reports, depending on the types of concerns that arose, and that effective follow-up of concluding observations was of fundamental importance. It believed that all States parties should provide comprehensive initial reports and core documents, but felt that subsequent reports could be confined to replies to specific questions. In order to address the problem of late reporting, the Committee, like some other treaty bodies, had applied the procedure of considering implementation by States parties in the absence of a report. The Committee would adopt concluding observations in draft, which would be published if the States concerned failed to react. The application of this procedure had often induced States to submit reports. The Committee had long benefited from a system of rapporteurs for the follow-up of concluding observations and communications. The Committee believed that an exchange of information and views with the Human Rights Council would be important, and that concluding observations should inform the universal periodic review process. However, the Committee favoured an incremental approach to developing its relationship with the Council.

13. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regretted that the International Convention on Migrant Workers had failed to attract broad ratification and emphasized the need for a broader base of States parties. The Committee emphasized that, as a new body, it had drawn a great degree of inspiration from the exchange of views in the inter-committee meetings. It hoped that the current focus on reform and harmonization could be maintained in order to enhance the effectiveness of the treaty body system.

as a whole. The Committee also stressed the importance of the ongoing work on indicators and hoped that a mutually enriching relationship with the Human Rights Council could be established, while at the same time stressing that treaty bodies should maintain their independence and remain detached to the greatest degree possible from the political aspects of the Council's work.

IV. Treaty body reform, including harmonization of working methods

14. Participants discussed the issue of treaty body reform and the working methods of treaty bodies, including coordination and possibilities for harmonization. Participants considered the reports of the working group on harmonization of working methods (HRI/MC/2007/2 and Add.1), in which the working group had recommended, *inter alia*, the establishment of a mechanism to strengthen the coordination and harmonization of the working methods of treaty bodies. Two alternative proposals had been put forward: a working group established for a limited period with a mandate to make recommendations to the inter-committee meeting and meeting of chairpersons on areas for harmonization; or, alternatively, a body to coordinate harmonization of working methods comprising the chairperson of each treaty body and other treaty body representatives with a role similar to that of the Coordinating Committee of Special Procedures.

15. With the exception of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee, the treaty bodies did not have a formal position on either of the options put forward by the inter-committee working group on the harmonization of working methods. Participants agreed that harmonization of working methods should continue and that it should take place in full respect of treaty provisions. Participants also agreed that a mechanism to encourage harmonization of working methods was required to ensure a more coherent and integrated approach by all treaty bodies to streamlining reporting and assisting States parties. This mechanism could serve as a vehicle for information exchange and could make recommendations on specific areas where a common approach might be desirable, such as practices relating to lists of issues, targeted reporting, country rapporteurs, harmonization of treaty-specific guidelines and terminology, procedures on follow-up and of the pre-sessional working group, formulation of general comments/recommendations and the review procedures. The mechanism could also reflect on the relationship between the treaty bodies and the Human Rights Council as well as the new gender agency. Several participants noted that the mechanism should be representative and that one member from each committee was insufficient. The mechanism should not duplicate existing structures, nor should there be a multiplicity of mechanisms. The majority of participants agreed that the new body should not have a formal decision-making power.

16. Discussions led to the conclusion that there was a need to improve and possibly harmonize further the working methods of the human rights treaty bodies and to create a means to assist in that process. The meeting considered it appropriate that the inter-committee meeting, including the chairpersons of human rights treaty bodies who were *ex officio* members, convene twice annually. The inter-committee meeting would be assigned the task of coordinating and making recommendations for the improvement and possible harmonization of working methods of the human

rights treaty bodies. All recommendations of the inter-committee meeting would be developed in consultation and with the approval of all the treaty bodies.

17. Participants agreed to continue consultations among relevant stakeholders on issues relating to treaty body reform. Representatives of the Human Rights Committee expressed the Committee's reservation with respect to point (iv) of the points of agreement of the sixth inter-committee meeting. The Committee did not agree that all proposals should be discussed during the ongoing consultations. It was of the view that only viable proposals should be discussed, not those that did not enjoy general support.

V. Strengthening the human rights treaty body system: streamlining reporting requirements

18. A presentation on approaches to streamlined reporting using a web-based reporting-on-demand tool was provided to participants by Christoph Spénlé, an expert from the Federal Department of Foreign Affairs of Switzerland.

19. Participants welcomed the tool as a useful integrated system to assist in the preparation of reports, although several participants expressed concern about whether the system would allow information to be shared, for example with NGOs or United Nations agencies, in the phase of consultation, as well as about its flexibility with regard to statistical information and the review of periodic reports. The expert clarified those issues, stating that external access to the draft was possible during or at the end of the process, and that it eliminated overlapping information, thus making updates easier.

VI. Reservations

20. Participants discussed the report and final recommendations of the working group on reservations (HRI/MC/2007/5 and Add.1), established pursuant to a recommendation of the fourth inter-committee meeting and the seventeenth meeting of chairpersons and consisting of a representative of seven of the treaty bodies. The working group met for the second time in Geneva on 14 and 15 December 2006. Its recommendations, which had been revised in the light of comments from most treaty bodies, were provisionally adopted by the working group at its first meeting (see HRI/MC/2006/5).

21. A member of the Committee on the Elimination of Racial Discrimination reported on the meeting of a representative of seven of the treaty bodies with the International Law Commission, which was held in Geneva on 15 and 16 May 2007. He noted that the position of the Commission had evolved since 1997. Most notably, the Special Rapporteur of the International Law Commission on reservations to treaties appeared now to be of the view that treaty bodies were competent to assess the validity of reservations. The Commission had become more aware of the practice of treaty bodies in the area of reservations.

22. Participants noted with appreciation the report of the working group, including its recommendations. They recommended that the working group should be maintained and reconvened if, and when, required.

VII. Dialogue with specialized agencies, funds and programmes and other entities of the United Nations

23. The inter-committee meeting met with representatives of the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the World Bank. Representatives of these organizations expressed appreciation of the opportunity to discuss the ongoing treaty body reform and ways and means of strengthening cooperation on human rights issues, including with regard to the implementation of treaty body recommendations at the national level.

24. The representatives emphasized that they followed the ongoing reform of the treaty body system with great interest, and expressed the hope that that process would also result in enhanced interaction and cooperation between their respective organizations and the treaty bodies. UNESCO hoped that harmonization efforts would lead treaty bodies to increase their work on cross-cutting issues and to jointly formulate general comments on issues of common concern, such as the right to education, which was indispensable to the exercise of all other human rights, and the right to participate in cultural life and to benefit from scientific progress and its application. UNHCR, noting that it had agreed to play a leading role in international efforts to enhance the protection of conflict-related internally displaced persons, asked the treaty bodies to pay increased attention to that issue. UNHCR also drew attention to its fruitful cooperation with treaty bodies in the elaboration of general comments and recommendations, and hoped that the idea of drafting joint general comments among treaty bodies could be considered further. ILO noted that it had a long-standing practice of cooperation with the treaty bodies and of providing written input to the treaty bodies on issues related to labour rights. It also aimed to draw lessons from developments within the treaty body system, as it was keen to ensure that the broad spectrum of the United Nations human rights experience enriched its work.

25. WHO emphasized that it was regularly involved in the work of the treaty bodies, both before and during their sessions, including in particular the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. WHO welcomed the shift of focus from creating a unified treaty body to efforts aimed at harmonizing the existing system. It stressed the importance of ensuring that concluding observations adopted by the treaty bodies were sufficiently concrete, and of using appropriate indicators to measure progress in implementation. WHO wished to continue its participation in follow-up activities, such as regional workshops and seminars. UNICEF emphasized the importance of streamlining children's rights in the work of all treaty bodies. Noting the linkage between children's rights and women's rights, UNICEF considered that the synergy between the work of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child should be utilized more fully and effectively. Drawing attention to the specific advocacy role of the latter Committee in the area of children's rights, UNICEF noted that it favoured a reform approach by which the autonomy of individual treaty bodies would be maintained.

26. The World Bank, noting that it had no formal relations with the treaty bodies, emphasized that it placed great importance on strengthening its ties with that part of

the United Nations human rights system. In particular, it hoped that it could be guided by the treaty bodies' recommendations in the consistent application of human rights standards in its own work, for instance in governance assessments. At the same time, the Bank could provide technical data relevant to human rights issues in countries under consideration and participate in the validation of indicators. The Bank hoped that appropriate modalities of interaction and cooperation could be elaborated in due course.

27. Treaty body members expressed their appreciation of representatives' suggestions aimed at strengthening the treaty body system. They also expressed gratitude for the input received from specialized agencies in connection with the reporting process and hoped that such cooperation would continue and strengthen. The Committee on Migrant Workers, which had particularly benefited from the input provided by UNHCR and ILO, hoped that strengthened cooperation could help to address certain protection gaps that migrants frequently faced. The Human Rights Committee felt that the presence of specialized agency representatives at its sessions was valuable and encouraged further cooperation in the elaboration of general comments. The Committee on the Rights of the Child drew attention to its close working relationship with UNICEF and its good cooperation with UNHCR and ILO, and expressed the hope that fruitful cooperation with the World Bank could be developed in due course. Members of several committees informed the meeting that they had appointed focal points or rapporteurs focusing specifically on interaction with specialized agencies, which had helped to advance cooperation. The Committee on the Elimination of Discrimination against Women similarly welcomed the increased focus of the World Bank on human rights and its expressed intention to enhance its cooperation with the treaty bodies. The Committee informed the meeting that it had adopted guidelines for cooperation with specialized agencies that could help them in providing targeted input but it had decided to discontinue nominating focal points for United Nations specialized agencies and other bodies as that practice had not produced results.

VIII. Dialogue with non-governmental organizations

28. Representatives of the following NGOs were present during the dialogue: Amnesty International; the Association for the Prevention of Torture; the World Organization against Torture; the International Women's Rights Action Watch; the International Women's Rights Action Watch (Asia Pacific); Minnesota Advocates for Human Rights; Friends World Committee for Consultation (Quaker United Nations Office); ARC International; and the Canadian HIV/AIDS Legal Network.

29. The NGO representatives welcomed the opportunity to interact with the members of the different treaty bodies. Their statements and comments touched upon three main issues: the reform of the treaty body system; increased cooperation and harmonization among treaty bodies; and the interaction between the treaty bodies and the Human Rights Council. In addition, NGOs noted several recent accomplishments of the treaty body system and expressed appreciation of the important contribution of the treaty bodies' work to their advocacy.

30. Among the concerns raised by the organizations were the continuing backlog of individual complaints, the lack of general publicity and awareness of the results and recommendations of the treaty body system, and the continuing challenge to

promote effective implementation of recommendations at the national level. Some NGOs also emphasized that any reform undertaken should not result in dilution of specificities afforded under the current system and that input from all stakeholders, including civil society, was an integral component of any meaningful and lasting reform. One NGO representative noted that, although the working methods of the Subcommittee on Prevention of Torture were significantly different from those of the other treaty bodies, effective cooperation between the Subcommittee and the other treaty bodies should be developed, with each paying due attention to the others' work.

31. The NGOs agreed that it was imperative to find new ways for providing input into the formulation of lists of issues, commenting on follow-up replies submitted by States parties and participating in follow-up activities. Some organizations noted with interest the procedure recently adopted by the Committee against Torture for the preparation of lists of issues prior to reporting, and considered that this could facilitate a more targeted debate, alleviate the reporting burden and prevent systematic repetition. However, they also noted that NGO participation was even more crucial for that new procedure. The point was made that communication remained one of the greatest obstacles to NGO participation, as did post-review implementation and follow-up.

32. The NGOs also referred to the universal periodic review procedure recently adopted by the Council and the agreement that OHCHR would be responsible for preparing a maximum 10-page compilation of information contained in the reports of the treaty bodies, special procedures and other United Nations sources. Some NGOs recommended that the treaty bodies should consider how their recommendations could be used in that process. They also recommended that committees should keep the review in mind when elaborating concluding observations so as to ensure that common trends were identified.

33. In the framework of enhanced coordination and cooperation between the treaty bodies several proposals were put forward. They included the harmonization of modalities for NGO participation and contributions; the convening of formal meetings between Committees and NGOs to discuss and analyse follow-up information received; increased transparency of national procedures for the selection of treaty body members; the establishment of a user-friendly master calendar with information on the timetable for all treaty bodies and deadlines for NGO contributions; the development of a "note for NGOs" on each treaty body's procedures; the integration of issues such as sexual orientation and gender identity into all aspects of the work of treaty bodies; and the development of an easily accessible treaty body extranet site with a master calendar of upcoming report consideration. It was also noted that the treaty bodies should nominate participants in the inter-committee meeting with due consideration for continuity in participation.

34. Participants congratulated the NGOs for their commitment and vital contribution to the work of the treaty bodies. They noted the need for broader representation of NGOs, including national organizations from developing countries, and they invited the Secretariat to facilitate such participation and explore the possibility of video conferences. Some participants noted that NGOs were less present than before during treaty body sessions, that they were more selective than before and that the treaty bodies received from NGOs a significant amount of

information about some countries and no information about others. In that respect, members encouraged the NGOs to change their priorities to ensure fair treatment of all countries. Some members emphasized the importance of NGO input in the context of targeted reports and reminded the organizations that they should comply with submission deadlines in order for the treaty bodies to take their contributions into due account. It was also noted that the treaty bodies were constantly seeking to improve the quality of their concluding observations, including by making them more country-specific, and that NGO input was vital in that respect. Finally, members stressed the very important role of NGOs — together with the media — in increasing the visibility of treaty body concluding observations and recommendations and ensure their implementation at the national level.

IX. Dialogue with the High Commissioner for Human Rights

35. The High Commissioner for Human Rights thanked participants for the robust and open discussion in which they had engaged with regard to her proposal for a unified standing treaty body. She encouraged the continued efforts of the treaty bodies to streamline and harmonize their procedures and work more closely together. She drew attention to the importance of the universal periodic review mechanism, which had just been agreed upon by the Human Rights Council, after delicate negotiations. She predicted that that mechanism would have a considerable impact on the work of the treaty bodies, as it would be likely to lead to an increase in treaty ratifications and reporting, and create an opportunity for the treaty bodies, through their input, to contribute to an important and innovative intergovernmental process in the human rights field.

36. Treaty body members thanked the High Commissioner for her comments and for her vision with regard to the global human rights agenda. Questions addressed to the High Commissioner focused on possible ways and means of interaction between the treaty bodies and the Council with regard to the universal periodic review process. In response, the High Commissioner noted that concrete ways of interaction would need to be mutually upon by all stakeholders. In that regard, she encouraged treaty body members to engage in early consultations, with a view to achieving synergy and complementarity between treaty body procedures and the review process.

X. Dialogue with the bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

37. The Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Jennifer Lynch of the Canadian Human Rights Commission, highlighted the role of national human rights institutions in different parts of the treaty body reporting and follow-up processes. She highlighted issues discussed by the Committee during the past year, inter alia possible closer links with the Subcommittee on Prevention of Torture and a proposed handbook for the interaction with treaty bodies. She welcomed the recent opportunities that had allowed national human rights institutions, as independent actors, to interact more directly with the treaty body system. She also welcomed the

efforts that the treaty bodies were making in order to harmonize their working methods, which could provide national human rights institutions with a consistent way of interacting with the system as a whole.

38. Frauke Seidensticker of the German Institute for Human Rights presented the conclusions of a round table on the role of national human rights institutions in the treaty body processes organized in Berlin, in November 2006, with participants from national institutions, treaty bodies and NGOs. She highlighted key recommendations of the round table and encouraged participants to use them as the basis for harmonization modalities for interaction between national institutions and the treaty bodies.

39. Participants welcomed the possibility of interacting with the Committee and underlined the importance of inputs from national human rights institutions at all stages of the treaty body processes. Participants noted that those institutions had been able to address the committees in the reporting procedures, either as part of the State party delegation or as a separate entity, but that the distinct role, function and independence of these institutions needed to be mentioned and in some cases clarified. Participants acknowledged that interaction could be further enhanced and considered the recommendations of the round table a good basis for future discussion.

XI. Discussion on business and human rights

40. The Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, indicated that he had commissioned a series of reports mapping the scope and content of States parties' responsibilities towards business activities under seven of the United Nations core human rights treaties and addressed in the work of the treaty bodies.¹

41. The Special Representative invited participants to provide feedback on the project, which consisted of an analysis of treaty provisions and treaty body materials, including general comments, concluding observations and decisions on individual communications. He called for views on: (a) the scope and content of the duty of the State to protect vis-à-vis corporate activities; (b) whether States should regulate the acts of natural persons within offending enterprises or the enterprise itself; (c) whether the treaties required States to regulate the overseas acts of "their" corporations; (d) the nature of States' obligations regarding State-owned or -controlled companies; and (e) the nature and origin of any "business" responsibilities under the treaties.

42. Participants expressed their appreciation to the Special Representative for his work and called for closer ties with his mandate. A number of participants indicated that they had and would address the issue of business and human rights. A few pointed out that they had recommended that States should consider the impact on human rights of bilateral and multilateral trade agreements, and had focused on the importance of States protecting rights in free-trade zones.

¹ See A/HRC/4/35, for a summary of the reports, which are available, together with other relevant documentation, from the website www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative.

43. In relation to the scope of the duty to protect, several participants noted that States had an obligation to take effective measures to ensure that all enterprises respected human rights. The point was made that the due diligence concept was understood to apply to the protection of all rights liable to abuse by private parties. There was also discussion on issues linked to the privatization of core Government services. With regard to regulation with extraterritorial effect, several participants said that their committees encouraged States to regulate corporate abuses abroad in some instances.

44. One participant proposed that a general recommendation on the topic could help further States' understanding of their obligations regarding corporate activities. The meeting encouraged the Special Representative to meet again with the treaty bodies, including individually. The Special Representative said that he welcomed that suggestion and looked forward to continuing to interact with the treaty body system.

XII. Discussion on statistical information

45. The inter-committee meeting discussed statistical information on the basis of the report on the implementation of the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons (HRI/MC/2007/6), which had been prepared at the request of the fifth inter-committee meeting.

46. Information was provided on the expert consultation organized by OHCHR in December 2006, in which members of the treaty bodies, representatives of United Nations organizations and special rapporteurs had participated and had considered proposals on illustrative indicators for selected civil, political, economic, social and cultural rights, based on the agreed conceptual and methodological framework outlined in the report on indicators for monitoring compliance with international human rights instruments (HRI/MC/2006/7). OHCHR had collaborated with United Nations organizations to validate indicators on human rights in country-level consultations at regional workshops (in Uganda and Guatemala) with relevant Government staff, national human rights institutions, United Nations country teams and NGOs. In 2007 and 2008, OHCHR would organize further country-level consultations and validation meetings, and a subregional workshop would be organized in New Delhi, in July 2007. Two expert consultations with the participation of treaty body members and experts from United Nations agencies were also being planned in order to consider proposals on indicators for additional human rights and help finalize the report to the inter-committee meeting in 2008.

47. Participants welcomed the progress made and raised questions on the conceptual framework in relation to the identification, compilation and interpretation of indicators and on the process for validating indicators at the country level. The issue of capacity-building and technical assistance for States parties was also highlighted. Identified indicators were welcomed as tools to support qualitative assessments and it was queried whether the identified indicators were universal or content- or treaty-specific. The need to work gradually, limit the number of indicators and focus at the current stage on a set of human rights relevant across treaties was pointed out. Participants underscored the need for indicators and benchmarks at the national level and welcomed the proposed organization of further briefings and consultations.

XIII. Points of agreement of the sixth inter-committee meeting

48. The sixth inter-committee meeting decided on the following points of an agreement, to be transmitted to the nineteenth meeting of chairpersons:

Inter-committee meeting

- (i) The sixth inter-committee meeting reiterated the view expressed by many, including States parties, that the inter-committee meeting provided a useful forum for discussing matters of mutual concern and strengthening coordination among the treaty bodies, and recommended that the General Assembly consider the possibility of convening such meetings on a regular basis.
- (ii) Recognizing the need to improve and harmonize further the working methods of the human rights treaty bodies, the inter-committee meeting considered it appropriate that it convene twice annually, with the participation of the chairpersons of the human rights treaty bodies, who were ex officio members for that purpose. The inter-committee meeting would, inter alia, make recommendations for the improvement and harmonization of working methods of the human rights treaty bodies. As usual, all recommendations of the inter-committee meeting should be adopted in consultation and with the approval of all the human rights treaty bodies.

Consultation on proposals for reform of the United Nations human rights framework

- (iii) The sixth inter-committee meeting noted with appreciation that the Secretariat had compiled a report containing a wide range of views relating to the reform of the treaty body system expressed by treaty bodies, States parties, United Nations entities, non-governmental organizations, national human rights institutions and other stakeholders. It requested the Secretariat to keep this document updated and make it available through the website of the Office of the United Nations High Commissioner for Human Rights.
- (iv) The sixth inter-committee meeting recommended that the Secretariat should continue to organize, in appropriate forums, consultations among the treaty bodies, States parties, the Office of the United Nations High Commissioner for Human Rights, United Nations entities, non-governmental organizations, national human rights institutions and other stakeholders to discuss all proposals in the context of treaty body reform.

Reservations

- (v) The sixth inter-committee meeting welcomed the report of the working group on reservations (HRI/MC/2007/5 and Add.1). It endorsed the recommendations formulated by the working group (HRI/MC/2007/5, para. 16) and recommended that the working group should be maintained and meet if required.

Revised harmonized reporting guidelines

- (vi) The sixth inter-committee meeting requested that the Secretariat send a note verbale to all the Permanent Missions to the United Nations Office at Geneva recommending that the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, contained in document HRI/GEN/2/Rev.4 should be used by States parties when submitting a report to any human rights treaty body. Briefings with States parties to further disseminate those guidelines and clarify issues related to their implementation should also be organized by the Secretariat.

Liaison with specialized agencies and United Nations funds and programmes

- (vii) The sixth inter-committee meeting reiterated its recommendation that the Secretariat should organize a meeting in 2008 with representatives of the Office of the United Nations High Commissioner for Human Rights, United Nations specialized agencies, funds and programmes and treaty body members to further discuss modalities for enhanced cooperation and interaction with regard to treaty reporting and follow-up processes.
- (viii) The sixth inter-committee meeting reiterated previous recommendations that all treaty bodies should establish a mechanism of rapporteurs or focal points to enhance cooperation and facilitate more effective interaction on country-specific and thematic issues and follow up with the United Nations specialized agencies.

Participation of non-governmental organizations

- (ix) The sixth inter-committee meeting reiterated previous recommendations that NGOs should send information well in advance of treaty body sessions to allow committee members the opportunity to take those important submissions into account and to continue to disseminate the conclusions of the treaty bodies and report on their implementation. To that end, the Secretariat was encouraged to establish a user-friendly master calendar that would provide information well in advance on the timetable for all the treaty bodies and for contributions relating to lists of issues and shadow reports for country reviews.
- (x) The sixth inter-committee meeting reiterated the recommendation of the two previous inter-committee meetings regarding the modalities of NGO participation in the monitoring activities of treaty bodies and recommended that the issue should be placed on the agenda of the seventh inter-committee meeting. The Secretariat was encouraged to widely disseminate the OHCHR handbook for NGOs and to develop an easily accessible treaty body extranet site where NGO contributions could be posted continuously.
- (xi) The sixth inter-committee meeting noted the need for broader NGO representation, including better geographical representation, both in the inter-committee meeting and more generally in the treaty body system. The Secretariat was invited to facilitate the participation of national NGOs

from developing countries and to explore alternative means of facilitating such participation, including the possibility of video conferences.

National human rights institutions

- (xii) The sixth inter-committee meeting recommended that the conclusions of the round table on the role of national human rights institutions in the treaty reporting process, held in Berlin, in November 2006, should form a basis for the discussion on the matter in future harmonization meetings of the treaty bodies.
- (xiii) The sixth inter-committee meeting reiterated its previous recommendations that treaty bodies should continue their engagement with national human rights institutions that conform with the Paris Principles (General Assembly resolution 48/134, annex). In addition, it encouraged further dialogue with the bureau of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to enhance and strengthen the interaction between national human rights institutions and treaty bodies.

Human Rights Council

- (xiv) The sixth inter-committee meeting took note of resolution 5/1 on institution-building of the Human Rights Council and reiterated its view that the concluding observations should form part of the basis of the universal periodic review.

Ratification of the core international human rights treaties

- (xv) The sixth inter-committee meeting recommended that all the treaty bodies should actively promote ratification of the other core international human rights treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, in their constructive dialogue with States parties and in their concluding observations.

Statistical information relating to human rights

- (xvi) The sixth inter-committee meeting welcomed the report on the follow-up to the recommendations of the fifth inter-committee meeting regarding the work on statistical information for use by the treaty bodies (A/61/385, annex, para. 55). It encouraged the Secretariat to take that work forward and continue the validation of the indicators, and looked forward to the report on those activities to the seventh inter-committee meeting, in 2008. Furthermore, it requested the Secretariat to brief each of the treaty bodies on the progress of that work prior to the next inter-committee meeting.



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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights defenders

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, in accordance with General Assembly resolution 60/161.

* A/62/150.



Report of the Special Representative of the Secretary-General on human rights defenders

Summary

This report focuses on the right to protest in the context of freedom of assembly. It builds upon and deepens interrelated issues addressed in previous reports of the Special Representative, particularly her report to the General Assembly at its sixty-first session (A/61/312), which focused on the right to freedom of assembly in relation to activities of human rights defenders.

The introductory part of the report suggests approaches to unpack the elements of the right to protest and clarifies that the Special Representative looks at the right to protest mainly from the protection aspect, in accordance with her overarching function of protecting defenders and their right to defend human rights.

In the first part of the report she analyses the legal framework for the protection of the right to protest at the international and regional levels as well as the case law and the work of monitoring mechanisms. This part of the report illustrates cases presented to both international and regional mechanisms and shows how the different systems complement and reinforce each other.

The second part of the report analyses the work of the Special Representative in this area, particularly her protection role exercised through the communications procedure. In order to give prominence to the protest element of the analysis, the information is organized on the basis of: (a) "groups of protestors", i.e. women defenders, student activists, trade unionists and defenders working on the rights of lesbian, gay, transgender and bisexual persons; and (b) "thematic areas" of protest, i.e. the anti-globalization movement, demonstrations linked to elections, peace demonstrations and protests linked to land rights and environmental claims. The analysis also highlights the role of human rights monitors and journalists in documenting demonstrations and the risks and violations they face.

The use of these categories allows, on the one hand, capturing major worldwide trends in present-day protests and, on the other hand, paves the way for the identification of specific protection gaps addressed by the Special Representative in her conclusions and recommendations.

The Special Representative states that the right to protest is a fully fledged right, which entails the enjoyment of a set of rights internationally recognized and reiterated in the Declaration on Human Rights Defenders. These rights include freedom of expression and opinion, freedom of association, freedom of peaceful assembly and trade union rights, including the right to strike.

Complying with the right to protest in the context of freedom of assembly entails both the negative obligation of refraining from interfering with peaceful protests and the positive obligation of protecting rights holders, including human rights defenders, in the exercise of their right to protest.

The Special Representative argues that in addition to these obligations, respecting and fulfilling the right to protest entails the obligation on the part of States to take deliberate, concrete and targeted steps to build, maintain and strengthen pluralism, tolerance and an open attitude to the expression of dissent in society.

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I. Introduction

1. The present report is the seventh annual report submitted to the General Assembly by the Special Representative of the Secretary-General on the situation of human rights defenders. It is submitted pursuant to General Assembly resolution 60/161.

2. This report focuses on the right to protest in the context of freedom of assembly. The analysis and information contained in the present document take stock of, build upon and deepen interrelated issues addressed in previous reports of the Special Representative, particularly the report to the General Assembly at its sixty-first session (A/61/312), which focused on the right to freedom of assembly in relation to activities of human rights defenders.

3. The Special Representative thanks the organizations that submitted documents and information on the subject of this report, namely the American Civil Liberties Union (ACLU), Amnesty International, Human Rights First, the International Federation for Human Rights (FIDH) and the Office of the Commissioner for Human Rights of the Council of Europe.

4. Historically, protests and demonstrations have been the engines of change and major contributing factors to advances in human rights. Unknown defenders as well as activists of high calibre have led and inspired protest movements in all regions and historical epochs, paving the way to achievements in human rights. From the civil disobedience as a form of non-violent protest championed by Mahatma Gandhi to claim the right of the people of India to self-determination, to the march on Washington, D.C., demanding the end of racial segregation in the United States led by Martin Luther King, Jr., to the Mothers of the Plaza de Mayo taking their Thursday afternoon walk in the Buenos Aires square with their white scarves to denounce the crimes of the dictatorship in Argentina, to demonstrations for workers' rights on 1 May, the protests of human rights defenders all over the world have been high-water marks of history.

5. As the Special Representative noted in her last report, "The right to protest is an essential element of the right to participation in any democratic dispensation". This is echoed in the European Union Guidelines on Human Rights Defenders: "The work of human rights defenders often involves criticism of government's policies and actions. However, governments should not see this as negative. The principle of allowing room for independence of mind and free debate on a government's policies and actions is fundamental, and is a tried and tested way of establishing a better level of protection of human rights".¹

6. While reiterating the principled positions of (a) acknowledging protests in the context of freedom of peaceful assembly as a fully fledged right to be respected, protected, promoted and fulfilled; and (b) considering this right as an essential and constituent element of democracies, the right to protest in relation to activities of human rights defenders can be analysed from different aspects.

7. The "promotion" aspect shows how the exercise of the right to protest by defenders furthers the promotion and protection of human rights. The analysis from

¹ Adopted by the Council of the European Union in June 2004, para. 5. Available at ec.europa.eu/external_relations/human_rights/guidelines/index.htm.

this perspective looks at elements such as: (a) the visibility and momentum of human rights concerns that protests generate; (b) the sensitization of public opinion as well as changes in public opinion brought about by protests; (c) the role of media in amplifying the voice of protestors and in spreading their slogans; (d) the participation of different sectors of society in protests; (e) the potential to accelerate change and reform processes triggered by protests; (f) the successes of protestors in achieving their objectives in terms of changes in legislation, policies, decisions, actions and attitudes; (g) the corollary of actions, activities and processes that accompany demonstrations and are aimed at strengthening the impact of protests and capitalize on them.

8. The "protection" aspect looks at manifestations of actual or threatened violation of the right to protest affecting defenders engaged in demonstrations. It looks at: (a) the legal and institutional frameworks; (b) monitoring mechanisms to protect the right to protest; and (c) accountability processes to prosecute perpetrators, redress violations and prevent future ones.

9. Both approaches are needed to understand the right to protest in all its aspects. The two approaches complement each other and the distinction between the two serves the sole purpose of explaining the specific focus chosen by the Special Representative to deal with this subject.

10. The Commission on Human Rights, in resolution 2000/61 establishing the mandate of the Special Representative, assigned to this position an overarching protection function,² which is to be understood to include both the protection of defenders and the protection of their right to defend human rights. For this reason, while inevitably referring to some aspects of the right to protest linked to the promotion of this right and encouraging defenders, Governments and other stakeholders to fully explore this analytical approach and come up with good practices and lessons learned on the implementation and exercise of the right to protest, the present report focuses mainly on the protection elements of the right to protest.

11. The first section of this report analyses the legal framework to protect the right to protest at the international and regional levels as well as the case law and the work of monitoring mechanisms. The second section analyses the work of the Special Representative in this area, in particular her protection role exercised through the communications procedure. References to actions and positions taken by the Special Representative are also made in the first section of the report to show linkages between the work of the Special Representative and regional mechanisms.

II. Legal framework and monitoring mechanisms

A. The right to protest in international and regional instruments

12. The protection of the right to protest lies in the recognition and protection of a set of rights that includes freedom of expression and opinion, freedom of

² *Official Records of the Economic and Social Council, 2000, Supplement No. 3 (E/2000/23), chap. II, sect. A. Paragraph 3 establishes that the Special Representative "shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration".*

association, freedom of peaceful assembly and trade union rights, including the right to strike.

13. This section complements and is to be read in conjunction with the analysis of the legal framework on freedom of assembly contained in paragraphs 76 to 91 of document A/61/312.

14. The right to freedom of peaceful assembly is recognized in several international and regional instruments of binding and non-binding nature,³ as is the right to freedom of expression.⁴

15. Article 8 of the International Covenant on Economic, Social and Cultural Rights recognizes the right to strike, the right to form and join trade unions and the right of trade unions to function freely. Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe recognizes the right to join trade unions.

16. The right to strike is considered an intrinsic corollary of the right to organize protected by the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization. It derives from the right of workers' organizations to formulate their programmes of activity to further and defend the economic and social interests of their members.

17. The right to strike is also recognized in regional instruments, including the Inter-American Charter of Social Guarantees of 1948 (art. 27), the European Social Charter of 1961 (art. 6 (4)) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988 (art. 8 (1) (b)).

B. Monitoring freedom of assembly at the international level

18. The monitoring of the implementation of the right to freedom of peaceful assembly as established in international instruments through the reporting system of treaty bodies has been carried out mainly by the Human Rights Committee and to a

³ At the international level: (a) article 21 of the International Covenant on Civil and Political Rights; (b) article 5 (d) (ix) of the International Convention on the Elimination of All Forms of Racial Discrimination; (c) article 15 of the Convention on the Rights of the Child; (d) article 20 (1) of the Universal Declaration of Human Rights; (e) article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, known as the Declaration on Human Rights Defenders.

At the regional level: (a) article 11 of the African Charter on Human and Peoples' Rights; (b) article 15 of the American Convention on Human Rights; (c) article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

⁴ At the international level: (a) article 19 of the International Covenant on Civil and Political Rights; (b) article 5 (d) of the International Convention on the Elimination of All Forms of Racial Discrimination; (c) article 12 of the Convention on the Rights of the Child; (d) article 13 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; (e) articles 7 and 21 of the Convention on the Rights of Persons with Disabilities; (f) article 19 of the Universal Declaration of Human Rights; (g) article 6 (b) and (c) of the Declaration on Human Rights Defenders.

At the regional level: (a) article 9 of the African Charter on Human and Peoples' Rights; (b) article 13 of the American Convention on Human Rights; (c) article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

lesser extent by the Committee on the Rights of Child, which has encouraged States parties on a few occasions to facilitate the exercise by children of their right to freedom of expression, including their rights to freedom of association and of peaceful assembly, so that they can freely discuss, participate and express views and opinions on all matters affecting them. (See CRC/C/15/Add.252, para. 39 and CRC/C/15/Add.180, para. 34).

19. Problems identified in concluding observations of the Human Rights Committee on the implementation of the right to freedom of assembly resemble those analysed by the Special Representative in her last report to the General Assembly in the section reviewing her communications related to freedom of assembly (A/61/312, sect. III.A).

20. The implementation gaps with respect to freedom of assembly identified by the Human Rights Committee include: (a) bans on demonstrations; (b) unjustified restrictions on demonstrations; (c) unnecessary requirements to obtain authorizations that affect the enjoyment of freedom of assembly; (d) lack of remedies to appeal decisions denying the authorization to hold demonstrations; (e) arrest of protestors amounting to arbitrary detention; (f) legislation not complying with international human rights law both because it obstructs and punishes the exercise of freedom of assembly and the right to protest and because it establishes procedures infringing on the actual ability to enjoy the right to peaceful assembly; (g) legislation on counter-terrorism with definitions of "terrorism" so broad that they might jeopardize legitimate activities in a democratic society, in particular participation in public demonstrations.

21. In its decision in the case *Auli Kivenmaa v. Finland*,⁵ the Human Rights Committee clarified that the requirement to pre-notify a demonstration can be compatible with the permitted limitations laid down in article 21 of the International Covenant on Civil and Political Rights provided that it is for reasons of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. In *Auli Kivenmaa v. Finland*, the Human Rights Committee considered that the gathering of several individuals at the site of a welcoming ceremony for a foreign head of State on an official visit cannot be regarded as a demonstration. Consequently, the application of Finnish legislation on demonstrations in such a case cannot be considered as an application of a restriction permitted by article 21 of the Covenant. In other words, the Human Rights Committee has held that restrictions may be imposed on public demonstrations as long as their purpose is to protect one of the interests listed in article 21.

C. The right to strike in the monitoring work of the Committee on Economic, Social and Cultural Rights

22. Concluding observations of the Committee on Economic, Social and Cultural Rights on the right to strike have identified implementation gaps related to legal frameworks not complying with international obligations, restrictions to the right to strike and bans or limitations of the right to strike for civil servants.

⁵ See *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40* (A/49/40), vol. II, annex IX, sect. N.

23. Inadequacies in the legal framework on the right to strike concern: (a) strikes considered to be criminal offences; (b) failure to incorporate the right to strike in domestic law; (c) legislation preventing workers from striking; (d) laws providing the possibility of replacing workers on strike; (e) unjustified exclusion from the right to strike of some categories of workers, such as public school teachers and college and university professors; (f) prohibition of strikes for all public employees and civil servants; (g) too-broad definitions of "essential services" affecting the right to strike of civil servants.

24. Other forms of restrictions of the right to strike range from acts of intimidation and sanctions against those exercising the right to strike to procedural requirements that make the exercise of the right to strike difficult.

D. Monitoring the right to protest at the regional level: jurisprudence and positions of regional mechanisms

1. African Commission on Human and Peoples' Rights

25. The African Commission on Human and Peoples' Rights has referred to public demonstrations in three cases.

26. In *Sir Dawda K. Jawara v. The Gambia*,⁶ the complainant, a former Head of State of The Gambia, alleged that after the military coup that overthrew his Government, political parties were banned and that an independent Member of Parliament and his supporters were arrested for planning a peaceful demonstration. The African Commission stated that the banning of political parties constituted a violation of the freedom of assembly provided by article 11 of the African Charter.

27. In *Mouvement burkinabé des droits de l'homme et des peuples v. Burkina Faso*,⁷ the complainant alleged that several human rights violations against members of the Burkinabé Movement occurred during student strikes and that a few individuals who were in the streets during the protests had died. The African Commission, despite the decision that the State had not violated the articles related to freedom of assembly and freedom of expression, deplored the abusive use of means of State violence against demonstrators even when demonstrations are not authorized by the competent administrative authorities. The Commission stated that public authorities must make an effort to cause only the barest minimum of damage and violation of physical integrity and to respect and preserve human life.

28. In *International Pen, Constitutional Rights Project, Interight on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organization v. Nigeria*,⁸ the complainant argued that the hundreds of people, including the President of the Movement for the Survival of the Ogoni Peoples, who were arrested and put on trial for the murders of four Ogoni leaders on 21 May 1994 during a riot that broke out at a public meeting

⁶ Decision of 11 May 2000, *Thirteenth Annual Activity Report of the African Commission on Human and Peoples' Rights 1999-2000* AHG/222(XXXVI), communication Nos. 147/95 and 149/96, available at www.achpr.org.

⁷ *Fourteenth Annual Activity Report of the African Commission on Human and Peoples' Rights 2000-2001* AHG/229(XXXVII), communication No. 204/97, available at www.achpr.org.

⁸ Decision of 31 October 1998, *First Annual Activity Report of the African Commission on Human and Peoples' Rights 1987-1988* AHG/215(XXXV), communication Nos. 137/94, 139/94, 154/96 and 161/97.

organized by the Movement had been convicted and sentenced to death for the peaceful expression of their views. The African Commission acknowledged that the victims had been disseminating information and opinions on the rights of the people who live on the oil-producing Ogoni lands through the rally organized by the Movement for the Survival of the Ogoni Peoples and that the State had violated articles 10 and 11 and, implicitly, article 9 of the African Charter.

29. The Special Rapporteur of the African Commission on human rights defenders in Africa, Reine Alapini-Gansou, has been taking public positions to protect defenders engaged in protests. A recent example is the press release issued on 18 June 2007 in which Ms. Alapini-Gansou expressed concern about alleged acts of violence and harassment against a number of members of Women of Zimbabwe Arise (WOZA) in the context of the peaceful and silent march they organized in Bulawayo on 6 June 2007 to launch their campaign "Ten steps to a new Zimbabwe". The march was violently dispersed by riot police; some women defenders were beaten, some arrested and later denied access to their lawyer.

30. The Special Representative has repeatedly intervened concerning allegations of harassment and human rights violations against women defenders belonging to this same Zimbabwean organization. Since 2003, she has sent six urgent appeals reporting allegations of violations that occurred during protests organized by WOZA.

31. While it is interesting to see how the action of the Special Representative of the Secretary-General and the Special Rapporteur of the African Commission complement each other in protecting defenders engaged in demonstrations, the Special Representative remains concerned about the situation of defenders in Zimbabwe, including women defenders, as the repeated communications and statements of both experts indicate a pattern of harassment of human rights defenders that has persisted over the last few years. The shadow report on Zimbabwe to the African Commission alleges that WOZA members have been arrested on more than 20 occasions between 2003 and 2007 for engaging in peaceful demonstrations.⁹

2. The right to protest in the inter-American human rights system

32. The Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights proposed guidelines on the interpretation of restrictions on public demonstrations in his annual report of 2005. The guidelines emphasize that public demonstration is a crucial social interest of democracies. The Special Rapporteur argues that the right of assembly and demonstration cannot be considered as synonymous with public disorder for the purpose of restricting it per se. He considers legislative and administrative regulations on public demonstrations and agrees with the position adopted by the Human Rights Committee in *Auli Kivenmaa v. Finland* on the requirement of prior notification. The Special Rapporteur in addressing the issue of the imposition of criminal sanctions in the context of demonstrations warns of the intimidating effect of

⁹ WOZA members were arrested, for example, for demonstrating against increases in school fees; for praying in public; on International Women's Day; for handing out flowers on Valentine's day; for participating in a sponsored walk. See *Zimbabwe: human rights in crisis. Shadow report to the African Commission on Human and People's Rights*, May 2007, pp. 40-41.

criminalization. The guidelines conclude with considerations on the restrictions imposed by officers in the exercise of police power.¹⁰

33. The Inter-American Commission reiterated the principles of the guidelines in its 2006 report on the situation of human rights defenders in the Americas.¹¹ In its report, the Inter-American Commission underscored that political and social participation through public demonstration is critical to the consolidation of democratic life in societies. It underlined that such participation, as an exercise of freedom of expression and freedom of assembly, is a keen interest to society, which leaves the State very narrow margins for justifying restrictions on this right. The Inter-American Commission deems that States should establish administrative controls to ensure that in public protests and demonstrations force is used only in cases where it is necessary and that measures for planning, prevention and investigation of cases in which abuse of force may have occurred should be adopted.¹²

3. The right to protest in the European human rights system

34. The Office for Democratic Institutions and Human Rights (ODHIR) of the Organization for Security and Cooperation in Europe (OSCE) recently published *Guidelines on Freedom of Peaceful Assembly*¹³ aimed at those responsible for drafting legislation, as well as those responsible for implementing such legislation and those affected by its implementation. The Guidelines put forward six guiding principles: (a) presumption in favour of holding assemblies; (b) the State's duty to protect peaceful assembly; (c) legality; (d) proportionality; (e) good administration; and (f) non-discrimination. The Guidelines include human rights defenders among the groups considered under the non-discrimination principle and recall article 5 of the Declaration on Human Rights Defenders.

35. The European Court of Human Rights of the Council of Europe has developed some jurisprudence on article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The following paragraphs give an account of the more significant judgements in this area.

36. In the case of *Plattform "Ärzte für das Leben" v. Austria*,¹⁴ the applicant association had organized a demonstration against abortion. The police, while not refusing to provide protection to the demonstration, informed the organizers that it would be impossible to prevent counter-demonstrators from disrupting the march, which in fact occurred. A police presence separated the opposing groups and serious clashes were avoided, and the demonstration proceeded to its planned conclusion.

37. The European Court held that a demonstration may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. The participants must, however, be able to hold the demonstration without fearing that they will be

¹⁰ Inter-American Commission on Human Rights, *Report of the Office of the Special Rapporteur for freedom of expression*, 2006, pp. 140-145.

¹¹ Inter-American Commission on Human Rights, *Report on the situation of human rights defenders in the Americas*, OEA/Ser.L/V/II.124, Doc. 5 rev.1, 7 March 2006, paras. 52-68.

¹² *Ibid.*, para. 68.

¹³ OSCE/ODHIR, *Guidelines on Freedom of Peaceful Assembly*, Warsaw, 2007. Available at www.osce.org/odihr/item_11_23835.html.

¹⁴ Application No. 10126/82, judgement of 21 June 1988. This and subsequently cited cases are available on the HUDOC database of the European Court, at www.echr.coe.int.

subjected to physical violence by their opponents. Such a fear would be liable to deter associations or other groups supporting common ideas or interests from openly expressing their opinions on highly controversial issues affecting the community. In a democracy, the right to counter-demonstrate cannot extend to inhibiting the exercise of the right to demonstrate.

38. The European Court further stated that the genuine, effective freedom of peaceful assembly cannot be reduced to a mere duty on the part of the State not to interfere. Compliance with the provision on freedom of peaceful assembly entails positive obligations. The Court further clarified that the positive obligation in the present case was an obligation as to measures to be taken and not to the results to be achieved. It therefore considered that the Austrian authorities had not failed to take reasonable and appropriate measures.

39. The European Court further developed its reasoning in *Öllinger v. Austria*,¹⁵ in which the applicant, a Member of Parliament for the Green Party, notified the authorities that he would be holding a meeting of about six persons at the Salzburg cemetery to commemorate Jews killed during the Second World War by carrying commemorative messages. The meeting would coincide with a gathering of Comradeship IV in memory of SS soldiers killed in the Second World War. The applicant was denied permission to hold his meeting.

40. The European Court considered that the case was about striking a fair balance between competing rights. It recalled that compliance with the provision on freedom of peaceful assembly entailed positive and negative obligations for the State. On the one hand, the State is compelled to abstain from interfering with the right to assembly, which also extends to a demonstration that may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote. If every probability of tension and heated exchange between opposing groups during a demonstration was to warrant its prohibition, society would be faced with being deprived of the opportunity of hearing differing views. On the other hand, the State may have to take positive measures to protect a lawful demonstration against counter-demonstrations.

41. The Court considered that in this case, the prohibition on holding the meeting was disproportionate to the aim pursued. The applicant expected only a small number of participants. They envisaged peaceful and silent means of expressing their opinion. The Court was not convinced by the Government's argument that allowing both meetings while taking preventive measures was not a viable alternative which would have preserved the applicant's freedom of assembly while at the same time offering a sufficient degree of protection as regards the rights of visitors to the cemetery. The Court found that by imposing an unconditional prohibition on the applicant's assembly, the authorities had given too little weight to the applicant's interest in holding the assembly and expressing his protest, and had therefore failed to strike a fair balance between competing interests.

42. In *Ezelin v. France*,¹⁶ a number of independence movements and trade unions in Guadeloupe held a public demonstration to protest against court decisions whereby three militants were convicted for criminal damage to public buildings. In the course of the demonstration, public buildings were defaced. One of the

¹⁵ Application No. 76900/01, judgement of 29 June 2006.

¹⁶ Application No. 11800/85, judgement of 26 April 1991.

protesters, the applicant, carried a placard bearing his professional affiliation and was identified and arrested on that basis. The European Court found that there was in this instance an interference with the exercise of the applicant's freedom of peaceful assembly.

43. In *Oya Ataman v. Turkey*,¹⁷ the European Court addressed the issue of pre-notification of demonstrations. In line with the position of the Human Rights Committee in the above-mentioned case *Auli Kivenmaa v. Finland* and with the opinion of the European Commission for Democracy through Law,¹⁸ the Court held that establishing a regime of prior notification of peaceful assembly does not necessarily extend to an infringement of that right provided that the pre-notification requirement does not indirectly restrict the right to hold peaceful meetings.

44. In this case, the applicant, a member of the Turkish Human Rights Association (HRA), organized a march in a square of Istanbul to protest against plans for "F-type" prisons. The protest was dispersed by the police with the use of tear gas. The pre-notification requirement was not met and the European Court recognized the protest as unlawful. Nevertheless, the Court pointed out that an unlawful situation does not justify an infringement of freedom of assembly. In the view of the Court, there was no evidence to suggest that the gathering represented a danger to the public, apart from possibly disrupting traffic. In the Court's view, where demonstrators do not engage in acts of violence, it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings. Accordingly, the Court considered that the forceful intervention by the police was disproportionate and was not necessary for the prevention of disorder.

45. It is interesting to note that the Special Representative has been intervening repeatedly with the Government of Turkey to bring to its attention allegations of various acts of harassment and human rights violations affecting members of HRA, including a very similar case to the one judged by the European Court in which a member of HRA was arrested during a demonstration and the premises of the organization raided by the police, allegedly in connection with the Association's campaign against F-type prisons (see E/CN.4/2002/106, para. 364). Between 2001 and 2003, the Special Representative sent eight communications concerning allegations of violations affecting defenders engaged in protests against F-type prisons.

46. In *Bączkowski and Others v. Poland*,¹⁹ the applicants, members of non-governmental organizations (NGOs) active, inter alia, in the area of discrimination on the basis of sexual orientation, were denied permission to assemble. Nevertheless, the demonstrations were eventually held on the planned dates. However, the European Court noted that the assemblies were held without a presumption of legality, such a presumption constituting a vital aspect of effective and unhindered exercise of freedom of assembly. The Court observed that the refusals to give authorization could have had a chilling effect on the participants in

¹⁷ Application No. 74552/01, judgement of 5 December 2006.

¹⁸ The European Commission for Democracy through Law, better known as the Venice Commission, is the Council of Europe's advisory body on constitutional matters. Established in 1990, the Commission has played a leading role in the adoption of constitutions that conform to the standards of Europe's constitutional heritage. The Commission has become an internationally recognized independent legal think-tank.

¹⁹ Application No. 1543/06, judgement of 3 May 2007.

the assemblies. The Court further stated that pluralism, tolerance and broadmindedness are particularly important in a democratic society. Democracy does not simply mean that the views of the majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position. The Court described the State as the ultimate guarantor of the principle of pluralism, a role that entails positive obligations to secure the effective enjoyment of rights. These obligations are of particular importance for persons holding unpopular views or belonging to minorities, because they are more vulnerable to victimization.

47. Before the European Court issued its judgement on *Bączkowski and Others v. Poland*, in 2005 and 2006 the Special Representative sent three communications to the Government of Poland concerning the ban on the Equality March and the acts of harassment and threats against demonstrators claiming equal rights for lesbian, gay, bisexual and transgender persons (LGBT) in Poznan and to urge the Government to take adequate measures to ensure the protection of participants in the Equality March in Krakow (see E/CN.4/2006/95/Add.1, para. 432 and A/HRC/4/37/Add.1, paras. 560, 563, 564 and 566). The allegations of violence reported around the Equality March in Poznan confirm the position of the European Court that denying the authorization to march left protestors without protection and vulnerable to attacks and harassment by counter-protestors.

48. In 2006, the Special Representative addressed to the Governments of the Russian Federation and Latvia two communications on bans and acts of harassment against "pride parades" campaigning for LGBT rights (see A/HRC/4/37/Add.1, paras. 402, 403, 568 and 583).

49. These communications highlight a pattern of intolerance and violence in Eastern Europe against defenders working on LGBT rights. The Commissioner for Human Rights of the Council of Europe confirmed this trend in a viewpoint issued on 16 May 2007.²⁰ The Commissioner referred to bans on gay pride parades in Chisinau, Moscow, Tallinn and Riga. He urged stronger reactions against officials who take decisions against the law by banning demonstrations or politicians who use their positions to spread prejudices against people because of their sexual orientation. He also called on the authorities to treat organizations advocating for rights of LGBT persons with the same respect as they are expected to pay to other NGOs.

50. Concerned at this alarming pattern, the Congress of Local and Regional Authorities of the Council of Europe recently adopted recommendations on the need to protect the freedom of assembly and expression of LGBT persons.²¹

51. The Special Representative is encouraged to see some improvements in the efforts of the police to protect from the attacks and harassment of counter-protestors the LGBT parades that took place in May and June 2007 in Bucharest, Warsaw and Riga.²² She is nevertheless concerned at bans, assaults and other forms of

²⁰ Available at www.coe.int/t/commissioner/Viewpoints/070516_en.asp.

²¹ Recommendation 211 (2007) and resolution 230 (2007) on "Freedom of assembly and expression for lesbians, gays, bisexuals and transgendered persons".

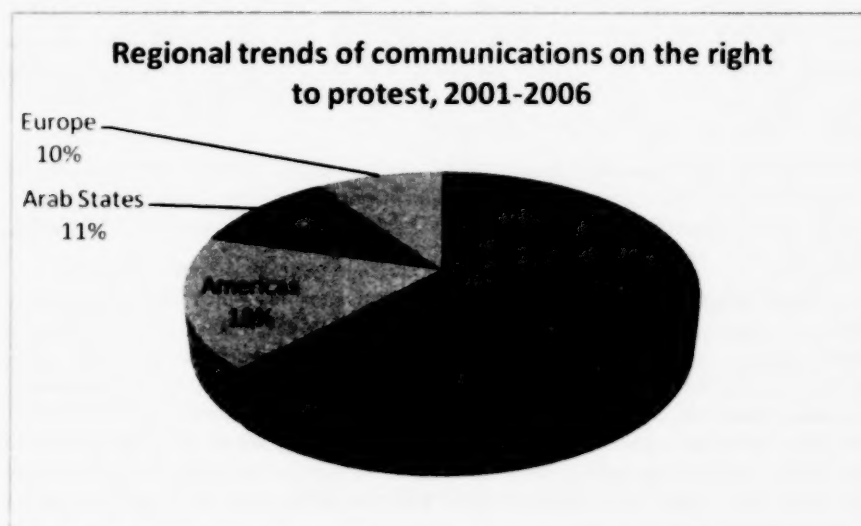
²² Human Rights First, submission on the right to protest for the consideration of the Special Representative, July 2007.

intolerance that continued to take place in other Eastern European cities during the May/June 2007 LGBT parades.

III. Human rights defenders and the right to protest: interventions and positions of the Special Representative

A. Main trends

52. Between 2001 and 2006, approximately 200 (13 per cent) of the over 1,500 communications sent by the Special Representative dealt with the right to protest in the context of freedom of assembly. Communications on the right to protest were sent to 54 countries.²³ As shown in the following chart, most communications were sent to Asian countries, followed by African countries, countries in the Americas, Arab States and European countries.



53. The Special Representative reiterates the caveat made in previous reports that the number of cases brought to her attention from some countries may not always mirror the frequency of violations, nor can the lack or paucity of cases from other countries be considered as reflecting a satisfactory situation.

54. Most communications were sent jointly with the Special Rapporteur on freedom of opinion and expression. This shows how the right to protest entails both freedom of expression and freedom of assembly.

²³ Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia, Brazil, Cambodia, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Gambia, Guatemala, Holy See, India, Indonesia, Iran (Islamic Republic of), Israel, Jamaica, Kenya, Kyrgyzstan, Latvia, Malaysia, Maldives, Mauritania, Mexico, Morocco, Myanmar, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe.

55. Other special procedures mandate holders joined the communications of the Special Representative on protests, depending on: (a) the nature of the violations alleged (e.g. torture, summary executions, arbitrary detention, unfair trial, etc.); (b) the groups organizing protests (e.g. women, indigenous peoples); and (c) the thematic areas of protests (e.g. the independence of the judiciary, environmental claims linked to the right to food or adequate housing).

56. In addition to communications, the present analysis takes into account press releases and previous reports of the Special Representative, including reports on country visits.

57. While last year's report on freedom of assembly was based on the identification and analysis of categories of human rights violations suffered by defenders in the context of freedom of assembly, the present report gives prominence to the protest element by identifying: (a) "groups of protestors", i.e. women defenders, student activists, trade unionists and defenders working on LGBT rights; and (b) "thematic areas" of protest, i.e. the anti-globalization movement, demonstrations linked to elections, peace demonstrations and protests linked to land rights and environmental claims. The analysis also highlights the role of human rights monitors and journalists in documenting demonstrations and the risks and violations they face.

58. Communications on the right to protest have therefore been analysed on the basis of the above-mentioned categories, which enables the identification of major worldwide trends in present-day protests. Nevertheless, most communications concerning demonstrations refer to allegations of violations that occurred in the context of protests linked to the specific national situation that do not necessarily or entirely fall into the categories used for this analysis. These protests concerned issues such as: constitutional reform; the independence of the judiciary; the situation of refugees and internally displaced persons; children's rights; cases of torture; impunity; disappearances; solidarity with defenders being detained; and human rights celebrations.

B. Women defenders engaged in demonstrations

59. "Women defenders often face more risks when participating in collective public action because of perceptions of the traditional role of women in some societies, and they become targets of non-State actors", wrote the Special Representative in her last report (A/61/312, para. 72).

60. Since 2001, the Special Representative has sent 17 communications to nine countries²⁴ concerning cases of women defenders engaged in demonstrations. About a third of these communications (six) were sent to the Government on Zimbabwe concerning acts of harassment and violations affecting members of WOZA, referred to above.

61. The protests organized by women defenders referred to in these 17 communications concern both women defenders organized in groups and associations as women and engaged in demonstrations on broad human rights issues,

²⁴ Azerbaijan, Chad, Colombia, Indonesia, Iran (Islamic Republic of), Saudi Arabia, Turkey, Uzbekistan and Zimbabwe.

as well as women defenders protesting to demand change and progress in the protection and promotion of the human rights of women. A case in point is WOZA, whose members have been demonstrating both on women's rights (e.g. demonstration to mark International Women's Day) as well as on other human rights concerns.

62. Women defenders protested against issues such as police violence, the death penalty, torture, political reform and electoral fraud. Protests organized by women defenders on women's rights concerned (a) celebration of International Women's Day; (b) equal pay and equal treatment for women and men; (c) legislative changes to ensure equal rights and the removal of discriminatory clauses; and (d) slogans to call the attention of public opinion and decision makers to women's rights (e.g. "Give women their rights") (see A/HRC/4/37/Add.1, para. 586).

63. Violations suffered by women defenders as a consequence of their participation in protests ranged from threats following demonstrations to arrests and excessive use of force in repressing assemblies and marches. The Special Rapporteur on violence against women joined the Special Representative in about half of her communications on women defenders when the allegations indicated that women defenders were targeted because of their gender.

64. As the primary caretakers of children, women defenders often have to bring their infants and children with them to demonstrations. In some cases, the police arrested women defenders with their children and infants and detained them in inhumane conditions.²⁵

65. About a fourth of the communications on women defenders concerned allegations of violations and harassment of women defenders in connection with demonstrations to celebrate International Women's Day on 8 March. It is an alarming indicator of how controversial women's rights still are in several countries around the world and of the level of intolerance of and violence against women defenders working on women's rights, even when their demonstrations take place in the framework of what is now widely perceived as a well-established and internationally recognized celebration.

66. Another example of mutual reinforcement of the protection and monitoring roles of regional mechanisms and the Special Representative was a communication to the Government of Colombia reporting threats against women defenders in connection with their activities to celebrate International Women's Day. In its reply to the communication, the Government reported that the Inter-American Commission on Human Rights was investigating the same events and had ordered precautionary measures for several women defenders (see E/CN.4/2002/106, paras. 68 and 118).

C. Students' protests

67. Since 2001, the Special Representative has sent 10 communications concerning student protests to six countries.²⁶ With the exception of the Islamic Republic of Iran and Malaysia, the countries concerned are in Africa. Three

²⁵ Human Rights First, *op. cit.*

²⁶ Gambia, Iran (Islamic Republic of), Kenya, Malaysia, Sudan and Zimbabwe.

communications were sent to the Sudan and three to Iran. Communications on student protests were sent in 2001, 2003 and 2004.

68. Student protests concerned both demonstrations related to their situation and rights as students, e.g. denial of the authorization to establish student unions and delays in receiving grants and loans, as well as broader human rights issues such as rallies against press laws limiting freedom of expression, protests denouncing cases of torture and rape, commemorations of human rights achievements, demonstrations seeking the release of political prisoners and the amendment of laws infringing the enjoyment of human rights.

69. Violations suffered by student activists linked to their participation in demonstrations included arrests, often resulting in incommunicado detention, and excessive use of force by the police. In the case of a demonstration organized by the Gambian Students Union on 10 and 11 April 2000, the excessive use of force resulted in the death of 14 demonstrators, including children (see E/CN.4/2004/94/Add.3, para. 175).

70. Acts of repression and retaliation against student activists engaged in protests have been particularly harsh. The fact that the Special Rapporteur on the question of torture joined the Special Representative in 9 out of the 10 communications she sent on student protests indicates the brutality of violations affecting student defenders. This is of even greater concern because of the young age of the students, who are sometimes under 18; their youth adds to the severity of the violations suffered. In addition, children and young students have less means than adults, including economic ones, to defend themselves as victims of human rights violations. For instance, students arrested during a demonstration in Kenya could not afford to pay the bail (see E/CN.4/2002/106, para. 227).

D. Defenders and workers' rights

71. The Special Representative sent 10 communications to eight countries²⁷ concerning protests related to rights at work. In the reports on her missions to Colombia and Nigeria, she thoroughly addressed the situation of trade unionists and labour activists. She remarked on the use of force by Colombian security forces in controlling labour protests and the abusive arrests of trade unionists by the police (see E/CN.4/2002/106/Add.2, para. 115). Her findings on the situation of trade unionists in Nigeria indicated that unionism is generally either discouraged or penalized with arrests, dismissals or demotions for participating in strikes. The right to picket and strike is limited by restrictive legislation which has a too-broad definition of categories of workers considered "essential", who are prohibited from engaging in strikes (see E/CN.4/2006/95/Add.2, paras. 66, 70 and 74).

72. Protests related to workers' rights referred to in communications of the Special Representative concerned issues such as: (a) campaigns for workers' rights; (b) promotion of basic labour standards; (c) peaceful assemblies in support of trade union members engaged in protests through hunger strikes; (d) strikes for wage increases; (e) protests against the violation of trade union rights; (f) demonstrations

²⁷ Algeria, Cambodia, Guatemala, Iran (Islamic Republic of), Mexico, Pakistan, Republic of Korea and Zimbabwe.

against human rights abuses connected to the economic crisis; (g) protests against the conditions of work; and (h) protests against bonded labour.

73. Most of the violations suffered by defenders engaged in protests over workers' rights occur during arrest, before, during or after demonstrations as well as a result of excessive use of force by the police, resulting in injuries to protestors and in one case in the death of a demonstrator (see A/HRC/4/37/Add.1, para. 435).

74. In addition to these violations, the communications of the Special Representative reported violations and forms of retaliation which specifically affected defenders protesting work-related issues, such as dismissal linked to participation in strikes and blacklisting of trade union members.

E. The anti-globalization movement: protests for social and economic rights

75. The protests at the World Trade Organization (WTO) Summit in Seattle, United States of America, in November 1998 brought to the attention of media and public opinion what has since been named the anti-globalization movement. It is made up of activists, trade unionists, environmentalists, lobbyists, farmers, feminists, anarchists and students demonstrating against a broad range of issues simplistically associated with globalization, such as growing multinational corporate power, global agreements on economic growth, social insecurity of workers, bioengineering of agricultural crops, violations of animal rights and collusion with oppressive regimes.

76. The anti-globalization movement has been described, for instance, as multigenerational, multi-class and multi-issue. This diversity also applies to the tone and nature of the protests. While a large proportion of activists engage in marches and other peaceful forms of protest, there have also been fringe elements that use more violent forms of demonstration, including arson. The presence of violent elements has usually been the most likely to be covered by media. This has caused the human rights message of the protests to be lost in sensational action and media coverage.

77. This is what happened, for instance, during anti-globalization demonstrations surrounding the Group of Eight Summit in Genoa, Italy, in July 2001. While the vast majority protested peacefully, some demonstrations degenerated into violence which caught most of the media attention. By the end of the Summit, hundreds of people had been injured, several hundred detained, and law enforcement officers had assaulted and beaten protesters; some protesters were not allowed to enter Italy and proceed to Genoa.²⁸ Investigations are still under way to ascertain responsibilities in the excessive use of force.

78. The Special Representative sent several communications that can be associated to protests by the anti-globalization movement. They concerned demonstrations that took place, or were meant to take place, in the context of the Asia-Pacific Economic Cooperation Summit (Bangkok, October 2003), the World Trade Organization Ministerial Meeting (Hong Kong, December 2005), the World Bank/International

²⁸ Amnesty International, *Report 2002*, available at <http://web.amnesty.org/report2002/eur/italy/Open>.

Monetary Fund meetings (Singapore, September 2006), or were against the signature of the Free Trade Agreement (*Tratado de Libre Comercio*) in Latin America.²⁹

F. Protests linked to elections

79. The Special Representative sent 12 communications to seven countries³⁰ on protests related to elections. Protests concerned calls for free and fair elections, challenged the results of elections, denounced irregular nomination and registration procedures of candidates, or alleged violations of electoral regulations.

80. Violent means such as tear gas, rubber-coated metal bullets and stun grenades were frequently used to disperse these gatherings. In most of these cases defenders were allegedly arbitrarily detained or arrested. Arrests were often accompanied by violence, and a large number of those arrested were ill-treated. In many of the cases defenders were never brought to trial, but merely released on bail after a certain amount of time, or detained without having their case brought before a judge.

81. In Belarus, protests following the 2006 March elections resulted in mass arrests of peaceful demonstrators calling for free and fair elections. Members of the police violently disrupted the demonstration, and 300 to 400 people were detained, including 45 minors and three journalists. Some of the defenders were sentenced to 15 days' imprisonment. The minors and others were beaten by the police and ill-treated when detained. Reportedly, over 150 persons were speedily tried without having had access to a lawyer and grave concerns were expressed regarding the violation of their right to a fair trial. A large number of demonstrators were said to have been students who could face expulsion from the university for having participated in the demonstrations (see A/HRC/C/37/Add.1, paras. 56 and 74).

82. The Special Representative is concerned that restrictions on the right to protest in connection with elections can challenge the integrity of elections, which constitute a central foundation of democracies. The enjoyment of freedom of assembly and expression is fundamental and instrumental to ensuring free and fair elections.

G. Peace demonstrations

83. "Restrictions imposed on freedom of assembly have been liberally applied to prohibit or disrupt peaceful human rights assemblies, frequently on the pretext of maintenance of public order, and increasingly relying on counter-terrorism legislation, arguments and mechanisms", wrote the Special Representative in 2003 (A/58/380, para. 25). Anti-terrorism measures used as pretext to restrict the right to protest and freedom of assembly particularly affected peace demonstrations after 11 September. Government surveillance of activities of anti-war and peace groups increased tremendously, affecting the enjoyment of the right to protest.³¹

²⁹ These communications were sent to the following countries: China, Colombia, Ecuador, Indonesia and Thailand.

³⁰ Bangladesh, Belarus, Chad, Ethiopia, Kyrgyzstan, Nepal and Zimbabwe.

³¹ American Civil Liberties Union, Selected cases in defence of the right to freedom of speech and assembly, submission for the consideration of the Special Representative, July 2007.

84. The Special Representative sent communications on allegations of violent disruption of peace demonstrations to six countries.³² In several of these cases, demonstrations were against the war in Iraq and the political decisions of the United States administration.

85. The Special Representative is concerned that arrests of protesters in the context of these demonstrations appear to have been based on the detainees' known or alleged affiliation with organizations critical of government policies rather than on evidence supporting the criminal charges eventually brought against them.

H. Protests linked to land rights and environmental claims

86. The Special Representative issued two press releases³³ and sent some 25 cases to 15 countries³⁴ regarding human rights defenders engaged in protests over land rights or environmental claims. The regions concerned by this kind of protests are Latin America and Asia. The highest number of communications on protests related to environmental issues and land rights were sent to China and Brazil.

87. As the Special Representative pointed out in her report to the Human Rights Council, "land rights and natural resources is an area where a large part of the defenders come from indigenous populations and minority groups. These populations are often working to secure their right to utilize and live on the land they consider to be theirs" (A/HRC/4/37, para. 41). Communications sent included cases of arrests, detentions, threats and, in some cases, killings of human rights defenders protesting over environmental issues and land rights.

88. In the report on her visit to Brazil, the Special Representative pointed out that violence against defenders "is committed in order to punish the leaders for their protest against illegal acquisition of land, or for their support of landless poor people occupying vacant and non-productive land" (A/HRC/4/37/Add.2, para. 18). "Human rights defenders working for the preservation of the environment become even more vulnerable because of the remoteness of the areas in which they are active. It was reported that many defenders who denounce illegal logging and large-scale fishing and those working to preserve wildlife habitats in the Amazon region and in the south and north-east regions of the country face attacks and threats against their lives" (*ibid.*, para. 23).

89. In 2004 the Special Representative sent several communications to the Government of Chile concerning the matriarchal leader of a Mapuche community. Both the defender and members of her family had been victims of physical attacks because of her work to defend the human rights of her community and for protesting against illegal logging. In May 2004, the Mapuche leader, who was pregnant, was allegedly beaten by policemen, causing her to miscarry. In August and October 2006, communications were sent concerning the arrest of her son who has been charged under "anti-terrorism" legislation (see E/CN.4/2005/101/Add.1, paras. 104,

³² Brazil, Egypt, Indonesia, Pakistan, the Russian Federation and the United States of America.

³³ Press release on the situation in Bolivia issued on 16 October 2003 and press release on the dam on the Narmada River in India issued on 13 April 2006.

³⁴ Bolivia, Brazil, Cambodia, Chile, China, Colombia, Ecuador, Guatemala, India, Mexico, Pakistan, Republic of Korea, Thailand, Viet Nam and Zimbabwe.

105 and 107; E/CN.4/2006/95/Add.1, paras. 76-78; and A/HRC/4/37/Add.1, paras. 125-127 and 136 and 137).

90. The criminalization of social movements working on land rights and environmental issues is another concern pointed out by the Special Representative on previous occasions, when she stated that "farmers have been prosecuted in anti-terrorist courts for protesting attempts by State security forces to evict them from land. Villagers demonstrating against mega-projects that threaten their environment and livelihood have been charged with conducting anti-State activities" (A/58/380, para. 25; see also A/HRC/4/37/Add.2, paras. 36-42).

I. Monitoring and reporting on demonstrations

91. Monitoring of assemblies can provide an impartial and objective account of what takes place, including a factual record of the conduct of both participants and law enforcement officials. This is a valuable contribution to the effective enjoyment of the right to peaceful assembly. The very presence of human rights monitors during demonstrations can deter human rights violations. It is therefore important to allow human rights defenders to operate freely in the context of freedom of assembly.³⁵

92. A positive experience in that respect has been the thorough monitoring role performed by the Office of the High Commissioner for Human Rights (OHCHR) during the April 2006 protests in Nepal. The OHCHR monitoring role has been acknowledged as fundamental in containing human rights violations and in documenting those that occurred for accountability purposes.³⁶

93. Journalists as well have an important role to play in providing independent coverage of demonstrations and protests. Assemblies, parades and gatherings are often the only means that those without access to the media may have to bring their grievances to the attention of the public. Media footage also provides an important element of accountability both for organizers of events and law enforcement officials. The media must therefore have access to assemblies and the policing operations mounted to facilitate them.³⁷

94. Since 2001, the Special Representative has sent 17 urgent appeals regarding violations affecting human rights defenders that investigate, document or report on protests and demonstrations. Communications and press releases have been issued on cases that occurred in 12 countries.³⁸ Human rights monitors and journalists have had their cameras confiscated, been arrested, received death threats, and in some cases killed while covering demonstrations.

95. In the report on her mission to Israel and the Occupied Palestinian Territory, the Special Representative referred to the arrest of journalists covering peaceful protests against the violation of Palestinian rights resulting from construction of the

³⁵ OSCE/ODHIR, op. cit., p. 73.

³⁶ Office of the High Commissioner for Human Rights, *The April protests: democratic rights and the excessive use of force. Findings of OHCHR Nepal's monitoring and investigations*, Kathmandu, September 2006.

³⁷ OSCE/ODHIR, op. cit., p. 75.

³⁸ Argentina, Azerbaijan, Bangladesh, Belarus, China, Ethiopia, Israel, Maldives, Nepal, Pakistan, United States of America and Zimbabwe.

wall. "Video footage shot by journalists has been instrumental in providing evidence to the courts that such demonstrations have been peaceful" (E/CN.4/2006/95/Add.3, para. 53).

IV. Conclusions and recommendations

96. The right to protest is a fully fledged right and entails the enjoyment of a set of rights internationally recognized and reiterated in the Declaration on Human Rights Defenders. These rights include freedom of expression and opinion, freedom of association, freedom of peaceful assembly and trade union rights, including the right to strike.

97. Protecting the right to protest in the context of freedom of assembly entails both negative and positive obligations. The negative obligation on the part of the State not to interfere with peaceful protests is to be combined with the positive obligation to protect rights holders in the exercise of this right, particularly when persons protesting hold unpopular or controversial views, or belong to minorities or other groups exposed to higher risks of victimization, attacks and other forms of intolerance.

98. Judiciaries have a particular role in the protection of the right to protest through interpretation and application of national laws that are conducive to the realization of the right to freedom of assembly, and by ensuring that human rights defenders are not penalized for using this right for the promotion and protection of human rights.

99. In addition to the legal obligations related to freedom of peaceful assembly, freedom of expression, freedom of association and trade union rights, including the right to strike, the Special Representative argues that respecting and fulfilling the right to protest entails the obligation on the part of States to take deliberate, concrete and targeted steps to build, maintain and strengthen pluralism, tolerance and an open attitude to the expression of dissent in society.

100. States should enforce a code of conduct on law enforcement officials, particularly with regard to crowd control and the use of force, and ensure that the legal framework contains effective provisions for the oversight and accountability of officials especially with regard to their responses to public protest actions.

101. In particular, States should take adequate measures to address the protection gaps identified in this report with respect to the different types of protests analysed and the role of defenders therein. To achieve this the following measures are recommended:

(a) On women defenders in demonstrations:

(i) Investigate and prosecute instances of gender-based violence against women defenders occurring during demonstrations as a matter of priority. It is important to give no-tolerance signals on gender-based violence. This helps to accelerate changes in attitudes and behaviours in sectors of society hostile to women's rights;

(ii) Train and instruct law enforcement officials on protection measures to be taken with regard to children taking part in demonstrations with their mothers;

(b) On student protests: take steps to create a conducive environment that allows children and young adults to associate and express views on matters affecting them as well as on broader human rights issues. Student protests have a high educational value as they are among the first experiences of public participation and human rights defence of students. Ensuring a conducive environment for student protests is a social investment in addition to a legal obligation;

(c) On trade unionists, protests over workers' rights and the right to strike:

(i) Review restrictive legislation on the right to strike, including provisions with too-broad definitions of essential services that restrict or prevent strikes by vast sectors of civil servants;

(ii) Acknowledge trade unionists as human rights defenders entitled to the rights and protection set out in the Declaration on Human Rights Defenders;

(d) Demonstrations on LGBT rights:

(i) Take adequate measures to hold accountable officials and authorities taking unlawful decisions banning demonstrations;

(ii) Ensure the protection of participants in gay pride parades before, during and after marches from acts of violence and intolerance by counter-protestors;

(iii) Train law enforcement officials on appropriate conduct, particularly as it relates to the implementation of the non-discrimination principle and respect of diversity;

(e) On peace demonstrations: ensure that anti-terrorism legislation and measures are not applied against human rights defenders to prevent their human rights work. On this point, the Special Representative reiterates the recommendations contained in her report to the Assembly in 2003 on the impact of security legislation on human rights defenders (see A/58/380, paras. 70-74);

(f) On the monitoring role of defenders and journalists during demonstrations:

(i) Allow human rights defenders to operate freely in the context of freedom of assembly to enable them to perform their monitoring role;

(ii) Grant media access to assemblies to facilitate independent coverage. The Special Representative recommends that media report on the human rights aspects of protests and seek the information and collaboration of human rights defenders for this purpose.

102. The Special Representative is of the view that the peaceful and constructive expression of dissent prevents the eruption of conflict and violence. Human rights defenders play a pivotal role in ensuring that protest and

criticism are expressed in a peaceful and constructive manner. The Special Representative recommends that States legitimize and empower human rights defenders in this role and encourages defenders to take full ownership of this role.

103. The role of international and regional monitoring mechanisms is fundamental both to develop the notion and understanding of the right to protest in all its facets as well as to protect rights holders, including human rights defenders, in their entitlements. The Special Representative encourages international and regional mechanisms to continue monitoring the right to protest and interpret it in a progressive way that responds to present-day reality.

104. The present report illustrates how international and regional human rights systems and mechanisms complement and mutually reinforce each other in monitoring and protecting the right to protest. The Special Representative encourages international and regional mechanisms to strengthen cooperation initiatives among mechanisms to further cross-fertilization.

105. The Special Representative recommends using and adapting to national and regional contexts the OSCE/ODHIR Guidelines on Freedom of Assembly.

106. The Special Representative considers valid and reiterates the recommendations made in her report on freedom of assembly in relation to the activities of human rights defenders (see A/61/312, paras. 92-101).

107. Finally, the Special Representative encourages defenders and other interested actors to fully explore the "promotional" aspect of the right to protest by collecting and disseminating achievements and lessons learned on the implementation of the right to protest. Documenting the positive impact of a constructive and peaceful expression of dissent will help to soften restrictive positions and attitudes on the right to protest in our societies.



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Groups of countries in special situations: Specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation

Status of preparations for the midterm review of the implementation of the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 61/212, in which the Assembly requested the Secretary-General to report on the progress made in the preparations for the midterm review meeting on the implementation of the Almaty Programme of Action. It provides an account of the activities undertaken by the United Nations to ensure effective preparation for the midterm review.

* A/62/150.



I. Introduction

1. The International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation, which was held in Almaty, Kazakhstan, on 28 and 29 August 2003, adopted two outcome documents: the Almaty Declaration¹ and the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries.²

2. The overarching goal of the Almaty Programme of Action is to forge partnerships to overcome the special problems of landlocked developing countries caused by their lack of territorial access to the sea and their remoteness and isolation from world markets. The Almaty Programme of Action identifies specific actions in five priority areas, namely fundamental transit policy issues, infrastructure development and maintenance, international trade and trade facilitation, international support measures and implementation and review. The Almaty Programme of Action aims (a) to secure access to and from the sea by all means of transport according to applicable rules of international law; (b) to reduce costs and improve services so as to increase the competitiveness of landlocked developing countries' exports; (c) to reduce the delivered costs of their imports; (d) to address problems of delays and uncertainties in trade routes; (e) to develop adequate national networks; (f) to reduce loss, damage and deterioration en route; and (g) to open the way for export expansion.

3. The General Assembly, in its resolution 61/212, of 20 December 2006, decided to hold a midterm review meeting on the implementation of the Almaty Programme of Action in 2008. The Assembly stated that the review should be preceded, where necessary, by national, subregional, regional and substantive preparations in a most effective, well-structured and broad participatory manner and within existing resources. Intergovernmental mechanisms at the global and regional levels, including those of United Nations regional commissions, as well as relevant substantive material and statistical data, should be effectively utilized in the review process. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States was requested to coordinate the preparatory process. The United Nations system organizations, including the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the regional commissions and relevant international and regional organizations, were requested, within their respective mandates, to provide necessary support to the review process.

4. In the same resolution, the Assembly requested the Secretary-General to submit a report to it at its sixty-second session on progress made in the preparations

¹ Report of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation, Almaty, Kazakhstan, 28 and 29 August 2003 (A/CONF.202/3), annex II.

² Ibid., annex I.

for the midterm review meeting. The present report has been prepared in response to that request.

II. Progress made in the preparations for the midterm review of the implementation of the Almaty Programme of Action

Conceptual framework and organizational aspects of the midterm review

5. The midterm review is a major exercise which will provide the international community with an opportunity to make an assessment of the progress made in establishing efficient transit transport systems and agree on what needs to be done to further galvanize global partnerships to assist landlocked and transit developing countries to effectively implement the Almaty Programme of Action. This is particularly important in view of the 2005 World Summit Outcome (General Assembly resolution 60/1), in which the world leaders reconfirmed their commitment to address the special needs and problems of landlocked developing countries through the full and effective implementation of the Almaty Programme of Action.

6. With the involvement of major stakeholders and in accordance with General Assembly resolution 61/212, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States has developed an organizational and conceptual framework for the midterm review to help in launching the substantive and intergovernmental preparatory process. The donor countries, landlocked developing countries and transit developing countries have been broadly consulted to solicit their views and guidance. The organizational and conceptual framework has been prepared to provide overall direction for the United Nations system-wide preparatory efforts in order to organize the midterm review in such a way that it attains practical and operational outcomes in a well-structured, effective and broadly participatory manner. The Office of the High Representative convened an inter-agency consultative meeting in December 2006 at which more than 15 United Nations and other relevant international and regional organizations, including UNCTAD, the Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic Commission for Europe, the Economic Commission for Africa (ECA), the World Customs Organization (WCO), the Organization for Security and Cooperation in Europe, the International Road Transport Union and relevant subregional organizations, gathered to consult on the substantive and organizational preparations for the midterm review of the implementation of the Almaty Programme of Action at the subregional, regional and global levels.

7. The active involvement of all stakeholders in the preparatory process is key to arriving at a meaningful outcome. The midterm review should be seen as a joint undertaking and common rallying point for Governments of landlocked developing countries, transit developing countries and donor countries, as well as the relevant United Nations agencies, the regional commissions, the World Bank, the regional development banks, UNDP, UNCTAD, WCO, the World Trade Organization (WTO) and regional and subregional organizations, with the single purpose of accelerating the implementation of the Almaty Programme of Action. Consequently, efforts are being made to ensure that all stakeholders have a sense of ownership of the preparatory process through their active involvement from the very beginning. The

Office of the High Representative is providing the overall coordination, advocacy and mobilization of political and financial support for the midterm review.

8. On the basis of the organizational framework, it is proposed to organize two thematic meetings to provide main substantive inputs to the midterm review. The purposes of the thematic meetings are (a) to address the physical and non-physical aspects of transit trade of landlocked and transit developing countries; (b) to assess where landlocked and transit developing countries stand in terms of these two important aspects of the Almaty Programme of Action; and (c) to make recommendations for future actions. Three regional reviews are also being proposed. As requested by the General Assembly, ECA, ESCAP and the Economic Commission for Latin America and the Caribbean (ECLAC) will play a lead role in conducting the regional reviews, which should be built into their regular sessions for 2008. The thematic meetings and regional reviews are different in terms of their participation, agenda and purpose. While the thematic meetings are expected to make an assessment of the progress achieved in developing transit transport infrastructure and trade and trade facilitation measures at global levels, the regional reviews will focus on transit transport systems at the regional level. The outcome of the regional reviews should include, *inter alia*, practical measures, such as a list of deliverables necessary for establishing efficient transit transport systems in the landlocked regions. The outcomes of the thematic meetings and regional reviews will constitute the main substantive inputs to the midterm review.

9. As called for by the General Assembly, the midterm review will be held during the sixty-third session of the General Assembly. The Assembly is expected to decide on the duration and modality of the midterm review at its sixty-second session. The United Nations system organizations and relevant international organizations are preparing to organize a number of parallel events including round-table meetings, announcements of important initiatives and partnerships, conclusion of international instruments and demonstration of the use of information technology and best practices in trade facilitation, according to their respective mandates. The Office of the High Representative has embarked on consultations with the relevant United Nations agencies, the regional commissions and international and regional organizations on the preparation and organization of these parallel and side events.

10. The General Assembly decided to organize the midterm review within existing resources. At the same time, the Assembly in its resolution 61/212 encouraged donor countries, the international financial and development institutions and private sector entities to make voluntary contributions to the trust fund established by the Secretary-General to support the activities related to the follow-up to the implementation of the Almaty Programme. The Office of the High Representative made efforts to mobilize extrabudgetary resources to support the preparatory process for the midterm review. The Governments of South Africa, Switzerland and Turkey, the Special Unit for South-South Cooperation and the regional bureaus of UNDP for Africa, Asia and the Pacific, Central Asia and Latin America made financial contributions to facilitate the participation of representatives from landlocked developing countries and least developed transit developing countries in the thematic meeting on transit transport infrastructure development held in Burkina Faso from 18 to 20 June 2007 and the thematic meeting on trade and trade facilitation to be held in Mongolia on 30 and 31 August 2007.

Thematic and regional preparations

11. High transit transport costs and undue delays are the result of negative factors which fall under two major categories, namely physical infrastructure bottlenecks and non-physical barriers. The Almaty Programme of Action recognized that inadequate infrastructure is a major obstacle to establishing the efficient transit transport systems that would enable landlocked and transit developing countries to improve their effective integration into the international trading system. The Almaty Programme of Action identified specific actions in rail transport, road transport, ports, inland waterways, pipelines, air transport and communications. Efficient transport and communications infrastructure and services are a vital prerequisite for the development of landlocked developing countries and their effective integration into the international trading system and the world economy. Interregional and overseas transport and communications facilitate the expansion of trade because trade is only possible if people and goods can be physically conveyed to the production and consumption area at a competitive cost. The deterioration of transport infrastructure is one of the main problems that affects both landlocked and transit developing countries. Communications facilities are required to advance knowledge of transport service availabilities and to ensure smooth and speedy transit.

12. In addition to the physical transportation of goods, extensive procedural requirements, documentation and contracts have a strong impact on external trade performance in landlocked and transit developing countries. In the 2006 *Doing Business* report, the World Bank estimated that the cost of customs procedures and transport represents the single greatest cost in external trade and is higher than the import tariffs for goods from landlocked developing countries. Red tape is estimated to cost nearly 10 per cent of the value of exports in developing countries, and inefficient customs and transport operations forced businesses to hold larger inventories at their warehouses, further increasing production costs by 4 to 6 per cent. The World Bank report further suggests that each additional day in transport delays costs 0.5 per cent of cargo value for goods transported by ship or rail. Therefore, trade facilitation measures are crucial in reducing trade transaction costs relatively quickly and inexpensively by simplifying requirements, harmonizing procedures and documentation, standardizing commercial practices and regulating the presentation of information.

13. The benefits from trade facilitation can be particularly important for landlocked countries because their goods have to move across additional borders. To complete the numerous procedural stages, worldwide importing and exporting required 39.9 and 31.9 days, respectively. These figures rise to 65.8 and 51.6 days for landlocked developing countries. In contrast to transit developing countries, landlocked developing countries take an additional 22.9 days for goods to be imported and 28.6 additional days for goods to be exported. Physical infrastructure, or ports and inland transport, accounted for only a quarter of the delays while non-physical factors accounted for 75 per cent of total delays (the latter figure combines pre-arrival documents, 59 per cent and customs and inspection, 16 per cent).

14. In order to assess the progress made in addressing these physical and non-physical aspects of the transit trade of landlocked and transit developing countries, the two substantive/thematic meetings organized as part of the

preparatory process for the midterm review focused on transit transport infrastructure and trade and trade facilitation. The first thematic meeting, on transit transport infrastructure development, was convened by the Office of the High Representative in Ouagadougou from 18 to 20 June 2007. The meeting drew more than 130 ministerial- and senior-level officials from donor countries, landlocked developing countries and transit developing countries and the relevant United Nations system organizations, international financial and development institutions and regional and subregional organizations. The participants exchanged views on progress made and constraints faced in the implementation of priority two of the Almaty Programme of Action, relating to transit transport infrastructure development and maintenance. The meeting also considered ways to enhance global partnerships aimed at the development of integrated transit transport infrastructure at the national, subregional and regional levels. A number of special events and panel discussions were held in order to make substantive contributions to the intergovernmental deliberations. They dealt with (a) the efforts made by the United Nations and international organizations for the establishment of efficient transit transport systems; (b) the subregional dimension of coordinated transit transport infrastructure development; (c) public-private partnerships for infrastructure development; and (d) sustainable transit transport infrastructure development.

15. The thematic meeting on transit transport infrastructure development adopted a chairman's summary consisting of six parts: assessment of transit transport infrastructure development; financial resource mobilization; subregional and regional cooperation; creation of an enabling environment; the role of international, financial and development institutions; and conclusions. The chairman's assessment concludes that despite some progress made in the implementation of the Almaty Programme of Action, landlocked developing countries continue to face particular problems linked to their geographical handicaps compounded by the lack of adequate transit transport infrastructure and cumbersome procedures and regulations. These problems include inadequate infrastructure in rail transport, road transport, ports, inland waterways, pipelines, air transport and information and communications technology; missing links; poorly harmonized rules and procedures; and little cross-border investment or private sector participation.

16. The chairman's summary emphasizes that national budgets need to give priority to transit transport infrastructure development, including the allocation of necessary resources for maintenance and rehabilitation. Given the low return of infrastructure investment, international financial assistance continues to remain the major source of funding for infrastructure development in landlocked developing countries. While welcoming the increase in official development assistance to landlocked developing countries, the meeting expressed concern about the small share of assistance allocated to transport, storage and communications infrastructure development, which declined from 6.3 per cent in 2003 to 3.7 per cent in 2004. The meeting called on the international financial and development institutions and donor countries to increase their financial assistance for transit transport infrastructure development in landlocked and transit developing countries. The meeting emphasized the importance of subregional and regional cooperation for transit transport infrastructure development, as well as the role of regional integration organizations. In this regard, regional integration communities and corridor management committees need both financial and technical assistance.

17. The second thematic meeting to be convened in preparation for the midterm review of the Almaty Programme of Action, on trade and trade facilitation, is being jointly organized by the Office of the High Representative and UNDP. It will be held in Ulaanbaatar on 30 and 31 August 2007. The meeting will be preceded by two-day consultations of landlocked developing countries on issues relevant to their effective and coordinated participation in the WTO trade negotiations, particularly on trade facilitation. An oral report on the outcome of the meeting will be presented to the General Assembly.

18. As called for by the General Assembly in its resolution 61/212, relevant substantive materials and statistical data are being utilized for the midterm review. The findings of the annual reviews conducted by the Assembly on the progress made in the implementation of the Almaty Programme of Action, as well as recent regional and subregional initiatives, will provide a valuable basis for the preparations. The Office of the High Representative undertook desk reviews of existing materials and statistical data available from United Nations agencies, the World Bank, WCO, the International Road Transport Union, WTO, the regional development banks and regional and subregional integration organizations. The Office of the High Representative made relevant substantive materials available as background documents for the thematic meetings. In addition, ESCAP, the World Bank, UNCTAD, UNDP and the Office of the High Representative prepared additional background documents and reports to facilitate intergovernmental deliberations at the thematic meetings. In particular, the World Bank has initiated a major project to develop new knowledge and explore new approaches to deal with transit problems of landlocked developing countries. Outputs will include a flagship publication, targeted learning and dissemination activities, diagnostic tools and pilot projects. The programme is expected to be implemented over the next two years.

19. As noted above, three regional reviews will be conducted in 2008 prior to the midterm review. ECA, ESCAP and ECLAC are expected to play a lead role. The regional reviews should be built into the agenda of regular sessions of the regional commissions. The outcomes of the regional reviews are to focus on the assessment of transit transport systems in their respective regions and agree on a list of deliverables necessary for establishing efficient transit transport systems in landlocked developing countries. The Office of the High Representative has been consulting with the relevant regional commissions regarding the regional reviews.

Monitoring the implementation of the Almaty Programme of Action

20. The General Assembly requested the Office of the High Representative to continue its efforts towards the development of an internationally acceptable set of indicators to effectively monitor the implementation of the Almaty Programme of Action. The Almaty Programme of Action is a focused yet comprehensive document which covers policy framework, transit transport infrastructure, trade and trade facilitation and international support measures. It recognizes that the weak economic performance of landlocked developing countries reflects the direct and indirect impact of geographical factors, additional border crossings and excessive distances to major markets, coupled with cumbersome procedures and inadequate infrastructure. High transport costs undermine the competitiveness of landlocked developing countries in the international market and their ability to produce at lower costs. Transport costs present a tremendous trade-reducing effect. Reduced trade flows directly and negatively affect gross development product. High transport costs

reduce the purchasing power and consumption levels of national residents, affect the activities of producers relying on imported factors and are likely to spur inflation. High costs related to unfavourable geographical locations decrease the rate of capital returns, discouraging investors from financing projects within a country.

21. In view of the above, the Office of the High Representative and other relevant international entities, including the World Bank and ESCAP, continued their efforts to compile basic indicators to monitor progress made in the establishment of efficient transit transport systems and to measure their impact on major macroeconomic variables of landlocked developing countries. The inter-agency meeting referred to in paragraph 6 above also considered the progress made in developing an internationally acceptable set of indicators to measure progress in the implementation of the Almaty Programme of Action. At that meeting, the Office of the High Representative made a presentation on a draft set of indicators. ESCAP made a presentation on its time/cost methodology to monitor transit corridor performances. The representatives of these United Nations entities and other relevant international and subregional organizations supported the indicators developed by the Office of the High Representative and requested it to develop them further in the light of the comments made at the meeting. ESCAP was requested to apply its time/cost methodology to measure the performance of selected transit corridors. On the basis of the deliberations at the inter-agency meeting and follow-up consultations, the Office of the High Representative prepared a set of indicators, which is presented in the annex to the present report. This set is based on existing statistical databases of the United Nations system and other international and professional organizations.

Advocacy efforts to mobilize international attention to the special needs of landlocked developing countries and the midterm review of the Almaty Programme of Action

22. The Office of the High Representative, in collaboration with the Department of Public Information and other relevant units of United Nations system organizations, continued its advocacy work to mobilize international attention to the special needs of landlocked developing countries and the importance of the full and effective implementation of the Almaty Programme of Action in mitigating negative consequences caused by the landlocked geographical situation. The High Representative conducted a wide range of bilateral meetings with the heads of the relevant international financial and development institutions, donor countries and transit neighbours of landlocked developing countries. Websites of the United Nations system have been broadly used for advocacy purposes. The Office of the High Representative established a website on the midterm review of the Almaty Programme of Action. A large number of press releases have been issued on the different preparatory meetings to encourage coverage by international media.

III. Recommendations and conclusions

23. **The midterm review of the implementation of the Almaty Programme of Action is an important exercise aimed at determining, among other things, what has been achieved so far, what could have been done better and how the second half of the implementation period can be effectively utilized to advance on the ultimate goal of assisting landlocked developing countries. The**

international community should give particular importance to the process and ensure active participation.

24. The implementation of the Almaty Programme of Action should be considered in the context of the international efforts to achieve the Millennium Development Goals and the 2005 World Summit Outcome, in which world leaders reconfirmed their commitment to assist landlocked developing countries through the full and effective implementation of the Almaty Programme of Action.

25. The General Assembly may consider devoting two days of plenary meetings during its sixty-third session to the midterm review of the implementation of the Almaty Programme of Action. The midterm review should be preceded by a two-day preparatory meeting to enable member States to consider the final outcome document.

26. The Office of the High Representative, in close consultation with the relevant United Nations system organizations, would prepare a draft outline of the outcome document of the midterm review to facilitate the intergovernmental consultations, taking into account (a) the outcome of the thematic meeting on transit transport infrastructure development; (b) the outcome of the thematic meeting on trade and trade facilitation; (c) the outcomes of the regional meetings; and (d) the reports of the Secretary-General on the progress made in the implementation of the Almaty Programme of Action.

27. The midterm review should not be seen as a renegotiation of the Almaty Programme of Action. Instead, the outcome should be a focused document aimed at further galvanizing genuine partnerships among landlocked developing countries, transit developing countries and their development partners, as well as public-private partnerships, at the national, bilateral, regional and global levels in order to ensure full and timely implementation of the Almaty Programme of Action.

Annex

Selected development and transport indicators for landlocked developing countries

Table 1
Gross domestic product and gross domestic product growth, 2003-2005

	Gross domestic product ^a (Millions of United States dollars)				Growth rate of gross domestic product ^a (Percentage)				Gross domestic product per capita ^b (United States dollars)				Growth rate of per capita gross domestic product ^b (Percentage)			
	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006
Afghanistan	4 585	5 452	7 308		15.7	8.0	14.0		168	186	218		14.4	10.4		14.3
Armenia	2 807	3 573	4 903		14.0	10.5	14.0		924	1 175	1 614		10	10		26
Azerbaijan	7 276	8 680	12 561		11.2	10.2	26.2		876	1 039	1 493		10	10		
Bhutan	609	729	844		7.1	7.6	6.1		296	334	424					
Bolivia	8 092	8 713	9 334		2.9	3.9	4.1		916	974	1 059		0.4	1.6		2.1
Botswana	8 209	9 731	10 317		6.3	5.9	6.2		4 144	4 804	5 014		3.3	8.5		5.7
Burkina Faso	4 182	4 824	5 171		6.5	3.9	4.8		324	386	408		3.1	1.3		3.8
Burundi	595	664	800		-1.2	4.8	0.9		85	94	112		-4.1	1.3		-2.8
Central African Republic	1 195	1 307	1 369		-7.6	1.3	2.2		286	313	328		-5.8	0.5		1.3
Chad	2 671	4 306	5 469		14.9	29.5	5.6		299	466	507		11.5	28.8		5.2
Ethiopia	7 942	9 733	11 174		-3.1	12.3	8.7		90	106	120		-6.2	9.8		6.3
Kazakhstan	30 834	43 152	57 124		9.3	9.6	9.7		2 076	2 908	3 783		9.6	9.7		9.6
Kyrgyzstan	1 919	2 212	2 441		7.0	7.0	-0.6		374	425	464		5.7	5.8		-1.7
Lao People's Democratic Republic	2 138	2 501	2 875		6.1	6.4	7.0		376	434	485					
Lesotho	1 065	1 367	1 450		3.1	3.2	1.2		598	737	744		3.2	2.8		1.5
Malawi	1 764	1 903	2 072		6.1	7.1	2.6		143	151	166		3.8	4.4		-0.1
Mali	4 362	4 874	5 305		7.4	2.2	6.1		337	368	383		0.4	0.2		-0.6
Moldova	1 981	2 595	2 917		6.6	7.4	7.1		493	617	706		7.0	7.7		7.4
Mongolia	1 274	1 612	1 880		5.6	10.7	6.2		230	253	273		1.4	1.2		0.3
Nepal	5 870	6 732	7 391		3.4	3.7	2.7		193	207	232		1.0	-4.0		3.3
Niger	2 731	3 053	3 405		5.3	0.0	4.5		945	1 155	1 248		1.0	-4.0		3.3

	Gross domestic product ^a (Millions of United States dollars)			Growth rate of gross domestic product ^a (Percentage)			Gross domestic product per capita ^a (United States dollars)			Growth rate of per capita gross domestic product ^a (Percentage)		
	2003	2004	2005	2003	2004	2005	2003	2004	2005	2003	2004	2005
Paraguay	4 608	5 109	7 328	3.8	4.1	2.9	468	616	694	1.4	1.7	0.5
Rwanda	1 684	1 835	2 153	1.0	4.0	6.0	192	205	234	-0.7	2.5	4.2
Swaziland	1 906	2 517	2 731	2.4	2.1	1.8	1 840	2 317	2 507	..	..	..
Tajikistan	1 554	2 076	2 312	10.2	10.6	7.5	244	322	360	9.8	9.1	5.4
The former Yugoslav Republic of Macedonia	4 630	5 368	5 766	2.8	4.1	4.0	2 285	2 644	2 778	3.2	2.3	3.8
Turkmenistan	5 978	6 741	8 067	..	..	..	1 016	1 079	1 205	1.8	3.0	8.1
Uganda	6 250	6 817	8 724	4.7	5.5	6.6	240	281	316	0.8	2.1	2.9
Uzbekistan	10 128	12 030	13 951	4.2	7.7	7.0	393	458	466	2.9	6.1	5.5
Zambia	4 327	5 423	7 270	5.1	5.4	5.2	381	474	627	3.3	3.7	3.5
Zimbabwe	7 913	4 712	3 372	-10.4	-3.8	-6.5	389	237	169	-8.0	-4.2	-4.6
Landlocked developing countries	151 077	180 845	217 786	5.0	6.5	5.8	697	831	940	2.7	4.4	4.1
Transit developing countries	4 119 481	4 889 979	5 776 860	5.3	5.9	6.0	1 276	1 519	1 760	3.3	4.2	4.3
Developing countries	7 156 359	8 444 971	9 969 591	5.5	7.3	6.7	3 298	3 715	4 131	2.2	4.5	3.8

Sources: World Bank, *World Development Indicators* online; United Nations Statistics Division, online databases.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.

^a On the basis of current prices and exchange rates.

^b On the basis of constant 2000 United States dollars.

Table 2
Official development assistance receipts and total donor assistance for transport, storage and communication

	<i>Net official development assistance receipts (Millions of United States dollars)</i>			<i>Official development assistance/gross national income (Percentage)</i>			<i>Total donor assistance for transport storage and communications (Millions of United States dollars)</i>		
	2003	2004	2005	2003	2004	2005	2003	2004	2005
Afghanistan	1 590.7	2 188.3	2 775.3	..	34.7	38.5	59.9	326.1	48.0
Armenia	248.8	253.8	193.3	8.5	8.5	3.9	4.4	0.3	0.1
Azerbaijan	300.6	176.0	223.4	4.4	4.5	2.0	0.2	0.3	0.5
Bhutan	76.6	77.9	90.0	13.2	12.8	11.0	8.5	8.3	13.3
Bolivia	929.3	769.7	582.9	12.0	11.9	6.5	2.4	7.9	6.0
Botswana	27.8	46.9	70.9	0.4	0.4	0.8	0.5	0.3	0.4
Burkina Faso	507.5	614.3	659.6	10.8	12.1	12.8	39.0	18.2	23.3
Burundi	227.4	361.5	365.0	33.8	39.1	46.8	0.1	0.2	3.0
Central African Republic	51.2	109.9	95.3	4.2	4.2	7.0	2.9	5.2	4.4
Chad	246.6	321.3	379.8	10.2	10.6	8.6	28.1	33.9	25.1
Ethiopia	1 594.0	1 819.1	1 937.3	22.9	23.5	17.4	60.4	46.1	71.2
Kazakhstan	270.0	267.7	229.2	1.0	0.9	0.5	131.1	117.4	63.6
Kyrgyzstan	199.8	261.1	268.5	11.8	10.8	11.4	5.1	8.6	6.6
Lao People's Democratic Republic	300.9	271.5	295.7	16.1	14.9	11.2	36.0	20.9	15.3
Lesotho	79.3	106.0	68.8	5.9	5.1	3.8	13.3	5.2	2.2
Malawi	517.4	501.4	575.3	29.5	31.2	28.4	27.9	17.9	13.0
Mali	543.0	567.6	691.5	12.7	13.0	14.1	40.5	48.7	49.3
Moldova	117.9	119.5	191.8	20.8	19.7	5.9	0.2	0.1	0.0
Mongolia	249.1	262.5	211.9	8.0	8.0	11.6	23.3	11.9	2.7
Nepal	463.0	427.5	427.9	16.7	16.8	5.8	35.9	28.3	18.5
Niger	456.7	541.2	515.4	0.9	0.8	15.2	16.1	18.3	12.2
Paraguay	50.7	21.7	51.1	0.9	0.8	0.6	11.2	17.6	19.3
Rwanda	334.9	488.2	576.0	20.0	20.2	27.4	7.6	18.2	25.5
Swaziland	34.2	21.9	46.0	1.4	1.5	1.7	6.2	0.5	21.6
Tajikistan	147.8	243.2	241.4	11.9	10.1	10.8	0.1	0.6	0.3
The former Yugoslav Republic of Macedonia	266.1	250.4	230.3	..	5.8	4.0	0.2	1.3	2.8
Turkmenistan	27.2	37.2	28.3	0.5	0.5	..	6.3	2.1	0.0
Uganda	976.1	1 197.6	1 198.0	15.8	15.8	1.3	6.4	43.4	12.8
Uzbekistan	194.6	245.6	172.3	2.0	1.9	14.0	40.8	32.9	31.9

	Net official development assistance receipts (Millions of United States dollars)			Official development assistance/gross national income (Percentage)			Total donor assistance for transport storage and communications (Millions of United States dollars)		
	2003	2004	2005	2003	2004	2005	2003	2004	2005
Zambia	589.4	1 125.2	945.0	13.6	..	14.2	47.1	33.2	49.4
Zimbabwe	186.3	186.6	367.7	..	..	11.6	0.6	0.7	0.5
Landlocked developing countries	11 805	13 882	14 705	10.7	11.7	11.6	662	874	543
Transit developing countries	21 532	21 908	27 398	..	..	5.5	2 054	2 632	2 096.0

Sources: Organization for Economic Cooperation and Development, *Statistical Annex of the 2006 Development Cooperation Report* and *International Development Statistics online*.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.

Table 3
Debt sustainability and debt relief under the Heavily Indebted Poor
Countries Initiative (HIPC)

	<i>Total external debt to exports of merchandise (Percentage)</i>		<i>Total external debt to gross domestic product (Percentage)</i>		<i>Cumulative debt relief committed under HIPC in 2005 (Millions of United States dollars)</i>
	2003	2004	2003	2004	
Afghanistan	..	..	..	..	
Armenia	167	174	40	34	
Azerbaijan	67	64	24	24	
Bhutan	316	339	71	76	
Bolivia	361	286	72	72	2 060
Botswana	21	19	7	6	
Burkina Faso	533	442	46	44	930
Burundi	3 495	2 948	222	205	1 472
Central African Republic	741	714	91	82	
Chad	411	110	66	42	260
Ethiopia	1 426	1 109	108	82	3 275
Kazakhstan	176	161	74	79	
Kyrgyzstan	348	292	106	97	
Lao People's Democratic Republic	514	452	93	85	
Lesotho	147	128	66	56	
Malawi	675	756	163	164	1 000
Mali	335	295	74	67	895
Moldova	236	189	96	72	
Mongolia	239	197	124	119	
Nepal	483	444	55	52	
Niger	615	526	88	73	1 190
Paraguay	258	207	53	49	
Rwanda	2 655	1 689	91	91	1 400
Swaziland	42	41	24	20	
Tajikistan	143	98	73	47	
The former Yugoslav Republic of Macedonia	137	123	40	39	
Turkmenistan	..	..	..	..	
Uganda	810	755	71	62	1 950
Uzbekistan	171	138	50	42	

	<i>Total external debt to exports of merchandise (Percentage)</i>		<i>Total external debt to gross domestic product (Percentage)</i>		<i>Cumulative debt relief committed under HIPC in 2003 (Millions of United States dollars)</i>
	2003	2004	2003	2004	
Zambia	664	617	161	137	3 900
Zimbabwe	183	171	90	106	
Landlocked developing countries	222	191	62	59	18 332
Transit developing countries	126	103	32	29	
Developing countries	107	92	35	33	

Sources: UNCTAD, *Handbook of Statistics* online; World Bank, *World Development Indicators* online; United Nations, Millennium Development Goals Indicators website.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.

Table 4
Exports and imports of merchandise

	Exports of merchandise						Imports of merchandise					
	Millions of United States dollars			Percentage of the world			Millions of United States dollars			Percentage of the world		
	2003	2004	2005	2006	2003	2004	2005	2006	2003	2004	2005	2006
Afghanistan	144	314	340	..	0.00	0.00	0.00	..	2 101	2 177	2 520	..
Armenia	686	715	950	1 004	0.01	0.01	0.01	0.01	1 280	1 351	1 768	2 194
Azerbaijan	2 590	3 615	4 347	6 372	0.04	0.04	0.04	0.05	2 626	3 516	4 200	5 268
Bhutan	154	183	304	..	0.00	0.00	0.00	..	249	411	500	..
Bolivia	1 598	2 146	2 671	4 223	0.03	0.02	0.03	0.04	1 616	1 844	2 341	2 821
Botswana	3 024	3 467	4 395	3 919	0.04	0.04	0.04	0.03	2 500	3 340	3 248	2 945
Burkina Faso	321	479	347	434	0.00	0.01	0.00	0.00	925	1 272	1 279	1 356
Burundi	38	48	57	54	0.00	0.00	0.00	0.00	157	176	267	366
Central African Republic	121	125	128	..	0.00	0.00	0.00	..	118	148	171	182
Chad	601	2 191	3 032	..	0.01	0.02	0.03	..	777	859	1 117	1 212
Ethiopia	496	678	883	1 043	0.01	0.01	0.01	0.01	2 119	3 087	4 127	4 710
Kazakhstan	12 927	20 093	27 849	38 250	0.17	0.22	0.27	0.32	8 409	12 781	17 353	23 677
Kyrgyzstan	582	719	672	794	0.01	0.01	0.01	0.01	717	941	1 108	1 718
Lao People's Democratic Republic	378	361	506	655	0.01	0.01	0.00	0.01	524	506	809	980
Lesotho	470	697	650	727	0.01	0.01	0.01	0.01	1 081	1 399	1 317	1 460
Malawi	525	483	497	494	0.01	0.01	0.01	0.00	786	933	1 157	995
Mali	928	977	1 135	1 354	0.01	0.01	0.01	0.01	1 252	1 291	1 612	1 344
Moldova	789	980	1 091	1 052	0.01	0.01	0.01	0.01	1 403	1 773	2 293	2 693
Mongolia	616	870	1 065	1 529	0.01	0.01	0.01	0.01	801	1 021	1 184	1 489
Nepal	662	756	830	817	0.01	0.01	0.01	0.01	1 754	1 870	1 860	2 604
Niger	352	437	577	610	0.01	0.01	0.01	0.01	622	750	800	760
Paraguay	1 242	1 627	1 697	1 906	0.02	0.02	0.02	0.02	2 446	3 097	3 791	5 879
Rwanda	58	98	125	115	0.00	0.00	0.00	0.00	259	284	433	515
Swaziland	1 574	1 949	1 744	1 818	0.02	0.02	0.02	0.02	1 623	1 877	2 049	2 138

	Exports of merchandise						Imports of merchandise								
	Millions of United States dollars						Percentage of the world								
	2003	2004	2005	2006	2003	2004	2003	2004	2005	2006	2003	2004	2005	2006	
Tajikistan	797	915	909	1 399	0.01	0.01	0.01	0.01	881	1 191	1 330	1 723	0.01	0.01	0.01
The former Yugoslav Republic of Macedonia	1 367	1 676	2 041	2 401	0.02	0.02	0.02	0.02	2 306	2 932	3 228	3 763	0.03	0.03	0.03
Turkmenistan	3 632	3 870	4 939	5 324	0.05	0.04	0.05	0.04	2 512	3 320	3 443	3 595	0.03	0.04	0.03
Uganda	562	709	863	970	0.01	0.01	0.01	0.01	1 250	2 023	1 895	2 504	0.02	0.02	0.02
Uzbekistan	3 189	4 280	4 837	..	0.04	0.05	0.05	..	2 662	3 392	3 710	..	0.03	0.04	0.04
Zambia	981	1 461	1 852	2 981	0.01	0.02	0.02	0.03	1 574	2 017	2 575	2 378	0.02	0.02	0.02
Zimbabwe	1 670	1 926	1 877	1 992	0.02	0.02	0.02	0.02	1 778	2 203	2 750	2 763	0.02	0.02	0.02
Landlocked developing countries	43 072	58 847	73 210	90 877	0.57	0.64	0.70	0.76	49 106	63 782	76 236	90 761	0.63	0.68	0.71
Transit developing countries	952 853	1 251 677	1 578 733	1 866 048	12.66	13.65	15.12	15.51	902 798	1 203 740	1 435 697	1 698 007	11.67	12.74	13.41
Developing countries	2 410 557	3 090 696	3 750 526	4 408 951	32.03	33.72	35.92	36.79	2 232 262	2 877 627	3 359 059	3 915 401	28.86	30.46	31.36

Sources: UNCTAD, *Handbook of Statistics 2007*.

Note: Two dots (..) signify data are not available. Group totals and averages are calculated on available data only.

Table 5
Documents, time and cost for import/export

	Documents for export		Time for export		Cost to export 2006		Documents for import		Time for import		Cost to import	
	(Number)		(Days)		(Millions of United States dollars)		(Number)		(Days)		(Millions of United States dollars)	
	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006
Afghanistan	7	7	66	66	2 500	66	10	11	97	88	2 100	2 100
Armenia	7	7	34	34	1 600	34	6	6	37	37	1 750	1 750
Azerbaijan	7	7	69	69	2 275	69	18	18	79	79	2 575	2 575
Bhutan	10	10	39	39	1 230	39	14	14	42	42	1 950	1 950
Bolivia	12	12	26	26	1 110	26	12	12	36	36	1 230	1 230
Botswana	6	6	37	37	524	37	9	9	42	42	1 159	1 159
Burkina Faso	9	9	69	69	1 215	69	13	13	66	66	1 700	1 700
Burundi	12	12	80	80	3 625	80	14	14	124	124	3 705	3 705
Central African Republic	9	9	63	63	1 502	63	19	19	60	60	1 572	1 572
Chad	7	7	87	87	1 860	87	14	14	111	111	2 400	2 400
Ethiopia	8	8	46	46	1 700	46	11	11	52	52	2 455	2 455
Kazakhstan	14	14	93	93	2 780	93	18	18	87	87	2 880	2 880
Kyrgyzstan	..	..	..	..	..	..	18	18	127	127	3 032	3 032
Lao People's Democratic Republic	12	12	66	66	1 420	66	16	16	78	78	1 690	1 690
Lesotho	6	6	46	46	1 270	46	9	9	51	51	1 270	1 270
Malawi	8	8	44	44	1 565	44	16	16	60	60	1 590	1 590
Mali	10	11	66	67	1 752	67	16	16	61	61	2 680	2 680
Moldova	..	..	..	..	..	..	..	..	..	..	..	..
Mongolia	11	11	66	66	3 007	66	10	10	74	74	3 030	3 030
Nepal	7	7	44	44	1 599	44	10	10	37	37	1 800	1 800
Niger	9	9	34	34	..	34	19	19	89	89	3 266	3 266
Paraguay	14	14	63	60	685	60	13	13	31	31	1 077	1 077
Rwanda	..	..	..	..	3 840	..	19	20	93	93	4 080	4 080
Swaziland	..	9	..	9	1 857	9	..	14	..	35	1 950	1 950
Tajikistan	..	14	..	72	4 300	72	..	10	..	44	3 550	3 550

	Documents for export (Number)		Time for export (Days)		Cost to export 2006 (Millions of United States dollars)		Documents for import (Number)		Time for import (Days)		Cost to import 2006 (Millions of United States dollars)	
	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006	2005	2006
The former Yugoslav Republic of Macedonia	10	10	32	32	1 070	1 070	10	10	35	35	1 070	1 070
Turkmenistan	..	..	..	..	..	..	..	..	..	..	..	..
Uganda	12	12	42	42	1 050	1 050	19	19	67	67	2 945	2 945
Uzbekistan	10	10	44	44	2 550	2 550	18	18	139	139	3 970	3 970
Zambia	16	16	60	60	2 500	2 500	19	19	62	62	2 640	2 640
Zimbabwe	9	9	52	52	3 175	3 175	15	15	66	66	4 565	4 565
Landlocked developing countries	10	9.5	52.6	51.6			14	13.7	70.4	65.8		

Sources: World Bank, *Doing Business* online.

Note: Two dots (..) signify data are not available. Group totals and averages are calculated on available data only.

Table 6
Selected indicators of transport infrastructure in landlocked developing countries

	Roads, total network (km)				Roads paved (Percentage of total roads)				Rail lines (Total route km)		Airports with paved runways in 2005		Roads (km)		Pipelines in 2005 (km)
	2003 ^a	2004	2003 ^a	2004	2003 ^a	2004	2003 ^a	2004	2003	2004	2003	2004	2003	2004	
Afghanistan	34 789	34 782	23.7	23.7										1 200	466 (gas)
Armenia	7 633		97						711		845				2 002 (gas)
Azerbaijan	27 016	59 141	47	49.4					2 122		2 957				3 190 (gas), 2 436 (oil)
Bhutan	8 050		62												
Bolivia	60 762	62 479	7.1	6									10 000		4 907 (gas), 2 475 (oil), 1 589 (refined products)
Botswana	25 233	24 455	35.1	36.5				888							
Burkina Faso	12 506	15 272	16	31				622							
Burundi	14 480	12 322	7.1	10.4											
Central African Republic	23 810													2 800	
Chad	33 400		0.8												269 (oil)
Ethiopia	33 856	36 469	12.9	19.1							681				
Kazakhstan		90 018	93.4					13 770	13 770	13 700	67			4 000	659 (condensate), 11 019 (gas), 10 338 (oil), 1 095 (refined products)
Kyrgyzstan	18 500		91	90							470			600	254 (gas), 16 (oil)
Lao People's Democratic Republic	31 210		14.4											4 600	540 (refined products)
Lesotho	5 940		16.3												
Malawi	15 451		45								797			700	
Mali	15 100	18 709		18							729			1 815	
Moldova	12 730	12 733	86.2	86.2							1 138			424	606 (gas)
Mongolia	49 250		3.5					1 810	1 810	1 810	12	580			
Nepal	15 905	17 380		56.9				59	59		10				
Niger	10 100	14 565		25							9			300	
Paraguay	29 800		50.5								36			3 100	

	Roads, total network (km)			Roads paved (Percentage of total roads)			Rail lines (Total route km)			Airports with paved runways			Highways (km)			Populations in 2003 (km)
	2001 ^a	2002	2003	2001 ^a	2002	2003	2001	2002	2003	2001	2002	2003	2001	2002	2003	
Rwanda	12 000	14 000	—	8.3	19	—	—	—	—	4	—	—	—	—	—	—
Swaziland	3 594	—	—	30	—	—	—	—	—	301	—	—	—	—	—	—
Tajikistan	27 767	—	—	—	—	—	—	—	—	482	—	—	—	—	2 000	549 (gas), 38 (oil)
The former Yugoslav Republic of Macedonia	8 684	—	—	61.6	—	—	—	—	—	699	—	—	—	—	—	268 (gas), 120 (oil)
Turkmenistan	24 000	—	—	81.2	—	—	—	—	—	2 440	—	—	—	—	1 300	6 441 (gas), 1 361 (oil)
Uganda	70 746	—	—	23	—	259	259	—	—	1 244	—	—	—	—	2 000	9 594 (gas), 868 (oil)
Uzbekistan	81 600	—	—	87.3	—	4 126	4 126	—	—	3 950	—	—	—	—	1 100	—
Zambia	91 440	—	—	22	—	1 273	—	—	—	2 178	—	—	—	—	—	771 (oil)
Zimbabwe	97 267	—	—	19	—	—	—	—	—	3 077	—	—	—	—	—	261 (refined products)
Landlocked developing countries	973 837	1 040 175	40.1							39 098					384	

Sources: World Bank, *World Development Indicators* online; United States Central Intelligence Agency, *The World Factbook 2007* online.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.

^a Data for 2003, otherwise the most recent available data for a particular country.

Table 7
Selected telecommunications indicators in landlocked developing countries

	Main telephone lines, 2004 ^a (Number per 100 inhabitants)	Mobile phone subscribers, 2004 ^a (Number per 100 inhabitants)	Personal computers, 2004 ^a (Number per 1,000 inhabitants)	Internet users, 2004 ^a (Number per 1,000 inhabitants)	Investment in telecommunications, 2004 ^b (Millions of United States dollars)	Telecommunication equipment imports, 2002 ^c (Millions of United States dollars)
				2004 ^a	2004	
Afghanistan	0.2	1.0	15.8	0.7	29.6	..
Armenia	14.8	3.0	15.0	46.1	28.7	15.8
Azerbaijan	11.4	12.8	13.6	42.5	49.1	39.0
Bhutan	3.4	1.1	..	17.2	22.3	..
Bolivia	7.3	13.1	39.8	35.1	19.0	54.0
Botswana	7.5	29.7	2.1	33.9	24.0	87.6
Burkina Faso	0.5	1.9	1.8	3.9	30.0	8.5
Burundi	0.3	0.9	2.4	2.0	0.1	1.9
Central African Republic	0.2	1.0	1.6	1.5	..	..
Chad	0.2	0.8	2.2	3.3	35.3	..
Ethiopia	0.6	..	..	1.1	87.5	22.0
Kazakhstan	14.1	8.4	14.4	20.1	0.9	100.6
Kyrgyzstan	7.6	2.7	3.5	39.7	51.6	..
Lao People's Democratic Republic	1.2	2.0	..	3.4	7.1	..
Lesotho	1.6	4.7	56.6	16.7	..	2.1
Malawi	0.8	1.3	2.3	2.9	..	14.3
Mali	0.6	2.3	21.3	2.8	44.3	..
Moldova	21.9	13.2	77.3	68.1	8.2	23.5
Mongolia	5.6	13.0	3.6	3.8	21.0	10.5
Nepal	1.6	..	0.6	1.5	..	..
Niger	0.2	0.6	33.7	20.4	..	2.1
Paraguay	4.7	29.9	..	3.5	4.3	32.8
Rwanda	0.3	1.6	..	1.8	..	4.8
Swaziland	4.4	1.4	28.7	24.4	27.6	8.3
Tajikistan	3.7	8.1	..	0.7	6.5	..

	Main telephone lines, 2002 ^a (Number per 100 inhabitants)	Mobile phone subscriptions, 2002 ^a (Number per 100 inhabitants)	Personal computers, 2002 ^a (Number per 1 000 inhabitants)	Internet users (Number per 1 000 inhabitants)		Investment in telecommunications, 2002 ^a (Billions of United States dollars)	Telecommunications equipment imports, 2002 (Millions of United States dollars)
				2002 ^a	2002		
The former							
Yugoslav Republic							
of Macedonia	25.2	37.2	1.5	62.2	78.3	—	29.0
Turkmenistan	7.7	0.7	—	4.3	7.6	7.3	—
Uganda	0.2	—	4.0	4.7	7.2	—	28.9
Uzbekistan	6.7	3.0	—	19.1	33.6	41.0	—
Zambia	0.8	1.3	8.5	9.7	20.1	5.0	18.1
Zimbabwe	2.6	2.2	52.7	62.2	63.4	—	—
Landlocked							
developing	5.1	6.8	15.2	18.0	22.7	29.4	504.0
countries							

Sources: UNCTAD, *Handbook of Statistics* online.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.

^a Data for 2003, otherwise the most recent available data for a particular country.

Table 8
Inward foreign direct investment in landlocked developing countries

(Millions of United States dollars)

	2002	2003	2004	2005
Afghanistan	1	2	1	1
Armenia	144	157	217	220
Azerbaijan	1 393	3 285	3 556	1 680
Bhutan	—	1	1	1
Bolivia	677	197	65	-277
Botswana	403	418	391	346
Burkina Faso	15	29	14	19
Burundi	—	—	-2	-1
Central African Republic	6	3	-13	6
Chad	924	713	478	705
Ethiopia	255	465	545	205
Kazakhstan	2 590	2 092	4113	1 738
Kyrgyzstan	5	46	175	47
Lao People's Democratic Republic	25	19	17	28
Lesotho	27	42	53	47
Malawi	6	4	-1	3
Mali	244	132	101	159
Moldova	133	78	154	225
Mongolia	78	132	93	182
Nepal	-6	15	—	5
Niger	5	11	20	12
Paraguay	6	21	41	219
Rwanda	3	5	8	8
Swaziland	90	-61	60	-14
Tajikistan	36	14	272	54
The former Yugoslav Republic of Macedonia	78	95	157	100
Turkmenistan	100	100	-15	62
Uganda	185	202	222	258
Uzbekistan	65	70	1	45

	2002	2003	2004	2005
Zambia	82	172	239	259
Zimbabwe	26	4	9	103
Landlocked developing countries	7 593	8 463	10 972	6 447
Transit developing countries	94 437	91 687	112 580	141 336
Least developed countries (less landlocked developing countries)	4 825	9 053	7 057	7 964
All developing countries	162 055	172 846	260 236	320 670
Developed countries	442 766	360 831	410 941	555 927
World	617 732	557 869	710 755	916 277

Source: UNCTAD, *Handbook of Statistics* online.

Note: Two dots (..) signify that data are not available. Group totals and averages are calculated on available data only.